

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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WEDNESDAY

MAY 16, 2018

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The 301 Committee met in the Hearing Room of the U.S. Trade Representative, 500 E Street, SW, Washington, D.C., at 9:00 a.m., William Busis, Brooks Allen, and Arthur Tsao, Co-Chairs, presiding.

PRESENT

BROOKS ALLEN, Chair U.S. Trade Representative
 WILLIAM BUSIS, Chair, U.S. Trade Representative
 ARTHUR TSAO, Chair, U.S. Trade Representative
 ALEXANDER ABAJIAN, Council of Economic Advisors
 MICHAEL ADJEMIAN, Council of Economic Advisors
 CHRISTOPHER BLAHA, Department of Commerce
 SARAH BONNER, Small Business Administration
 JULIA HOWE, U.S. Trade Representative
 NICOLE KORKOS, Council of Economic Advisors
 SAGE MITCH, Department of the Treasury
 DEWEY MOORE, Department of State
 BRYAN O'BYRNE, Small Business Administration
 MAUREEN PETTIS, Department of Labor
 KATE PSILLOS, Department of Commerce
 PETER SECOR, Department of State
 ADAM SULEWSKI, Department of Homeland Security,
 Customs and Border Protection
 TIMOTHY WINELAND, U.S. Trade Representative

STAFF PRESENT

BILL BISHOP, U.S. Trade Representative
TYRELL BURCH, U.S. Trade Representative

WITNESSES PRESENT

DAVE ALLEN, Vista Outdoor, Inc.
SHEILA ANDERSON, Daktronics, Inc.
**ERIK AUTOR, National Association of Foreign-
Trade Zones**
**AMBASSADOR KARAN BHATIA, General Electric
Company**
ANDY BINDER, Office Supplies Solutions, HP Inc.
**JOHN CAMPBELL, Ball Corporation and Ball Metal
Beverage Container Corporation**
SAGE CHANDLER, Consumer Technology Association
EVI CHRISTOU, Dana Corporation
KATHLEEN CLAS, Kodak Alaris, Inc.
JOHN CONSTANTINE, Apex Tool Group, LLC
JONATHAN DAVIS, SEMI
ERIN ENNIS, US-China Business Council
DAVID FRENCH, National Retail Federation
DOUG FRIESEN, SANY America
MIKE GRAY, Valmet Corporation
CHARLES GRAY, Teradyne, Inc.
JORDAN HAAS, Internet Association
**EVA HAMPL, U.S. Council for International
Business**
**RICK HELFENBEIN, American Apparel & Footwear
Association**
ANNE HOEF, Mabuchi Motor America Corporation
JOHN HOFF, Global Point Technology
JULIA HUGHES, U.S. Fashion Industry Association
DAVID HULL, Precision Components, Inc.
**RAYMOND KEATING, Small Business &
Entrepreneurship Council**
**MICHAEL KERSEY, American Lawn Mower Co., Great
States Corporation**
JUDD LARNED, Culligan International Company
MARK MAROON, Maroon Group, LLC
STEVE MCGUIRE, MCGUIRE Bearing Company
GREG MERRITT, Cree, Inc.
BILLY MILLIGAN, Commercial Metals Company

CHARLIE MURRAH, Southwire Company, LLC
GREGORY OWENS, Sherrill Manufacturing/Liberty
Tabletop
JASON OXMAN, Electronic Transactions Association
JOHN PFEIFER, Mercury Marine
BLAKE PHILLIPS, EQI Ltd
KYLE PITSOR, National Electric Manufacturers
Association
RYAN RASMUSSEN, Dover Artificial Lift
DYLAN REED, Advanced Energy Economy
ALAN SHAW, Electrolux Major Appliances North
America
BRIAN SMITH, LBC Bakery Equipment, Inc.
JON STOKES, The Flexitallic Group
ERNEST TAI, LW Scientific, Inc.
CAMMIE TEEMS, Bestway (USA), Inc.
RUSTY THARP, Goodman Global, Inc.
BRAD THOMPSON, Columbia Forest Products
NICOLE VASILAROS, National Marine Manufacturers
Association
DOUGLAS WAGNER, International Imaging Materials,
Inc.
ANN WILSON, Motor & Equipment Manufacturers
Association
RICHARD WOLFF, JST Power Equipment
AMBASSADOR RUFUS YERXA, National Foreign Trade
Council

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

2 9:01 a.m.

3 MR. BISHOP: Good morning and welcome.

4 The Office of the United States Trade
5 Representative, in conjunction with the
6 interagency's Section 301 Committee, is holding
7 this public hearing in connection with a Section
8 301 investigation of China's acts, policies, and
9 practices related to technology transfer,
10 intellectual property, and innovation. The
11 United States Trade Representative initiated this
12 investigation on August 18th, 2017.

13 The scope of the investigation is set
14 out in the Notice of Initiation published in 82
15 FR 40213. On April 6th, 2018, USTR published a
16 Federal Register notice describing the Trade
17 Representative's initial determination in the
18 investigation. That notice is published at 83 FR
19 14906.

20 The April 6th notice also seeks public
21 comment on a proposed trade action to be taken in
22 the investigation. The proposed action is an

1 additional 25-percent duty on a list of products
2 from China with an annual trade value of
3 approximately \$50 billion.

4 The purpose of this hearing is to
5 receive public testimony regarding the proposed
6 tariff action. The Section 301 Committee will
7 carefully consider the testimony, the written
8 comments already received in response to the
9 Federal Register notice, and the rebuttal
10 comments due on May 22nd. The 301 Committee will
11 then make a recommendation to the Trade
12 Representative on the action to be taken in the
13 investigation.

14 We are honored to have a member of
15 Congress here as our first witness. After the
16 Congressman testifies, I will have some
17 procedural and administrative instructions for
18 the witnesses. And before Mr. Bishop introduces
19 the Congressman, we'll ask the 301 Committee to
20 introduce themselves, starting with DHS. Adam.

21 MR. SULEWSKI: Hello. Adam Sulewski,
22 U.S. Department of Homeland Security, Office of

1 Policy.

2 MS. PETTIS: Good morning. Maureen
3 Pettis, Department of Labor, Bureau of
4 International Labor Affairs.

5 MR. BLAHA: Christopher Blaha,
6 Department of Commerce, International Trade
7 Administration.

8 CHAIR BUSIS: William Busis, Deputy
9 Assistant United States Trade Representative for
10 Monitoring and Enforcement and Chair of the
11 Section 301 Committee.

12 MS. HOWE: Julia Howe, Director of the
13 China Office at USTR.

14 MR. SECOR: Peter Secor, Department of
15 State, Economic Bureau.

16 MR. BISHOP: Mr. Chairman, I'm pleased
17 to present the Honorable Kevin Cramer, United
18 States Representative from North Dakota.

19 REPRESENTATIVE CRAMER: Thank you,
20 Chairman Busis and Members of the Committee for
21 the opportunity to testify on the
22 administration's Section 301 investigation

1 responses which resulted in China's proposed
2 retaliatory tariffs on agricultural products.

3 First, I want to express my support
4 for the president's goals of combating China's
5 unfair and harmful acquisition of U.S.
6 technology. Like so many other issues, I
7 acknowledge that the negligence of previous
8 administration's in dealing with China's trade
9 issues has put this president in a very difficult
10 position.

11 I am, however, compelled to express
12 concern on behalf of the agricultural producers
13 of North Dakota who could feel a direct impact of
14 proposed retaliatory actions on their very
15 livelihoods. Our farmers are some of the most
16 patriotic people in America. Many of North
17 Dakota's 46,000 veterans were raised on farms and
18 ranches and are testament to our state's
19 patriotism.

20 However, with an already fragile farm
21 economy, proposed retaliatory tariffs bring
22 additional anxiety and uncertainty to those who

1 work tirelessly to feed the world with safe,
2 affordable, and nutritious food. Net farming is
3 down 52 percent since 2013 in one of the steepest
4 declines since the Great Depression. Chapter 12
5 bankruptcies have risen by 33 percent from just
6 two years ago and costs of production have
7 steadily climbed. Additionally, farmers have
8 been the hardest hit by the Affordable Care Act's
9 rapidly rising cost of health insurance, which
10 has been crippling to many North Dakota families.

11 The current financial hardship of
12 farming is due, in part, to predatory trade
13 practices of foreign countries, including high
14 and rising subsidies, tariffs, and non-tariff
15 trade barriers. An additional concern is the
16 uncertainty of U.S. trade policy, including
17 potential changes to the North American Free
18 Trade Agreement, U.S.-Korea Free Trade Agreement,
19 and the loss in a competitive Chinese
20 marketplace.

21 We recognize that President Trump has
22 been fighting for American agriculture since

1 Inauguration Day, and we hope this continues
2 throughout the negotiation of our trade deals
3 with China. My constituents and commodity groups
4 have shared a variety of their concerns,
5 including an article published in foreign
6 communications outlets by Mikkel Pates and April
7 Baumgarten, which exemplify the importance of
8 soybean trade with China. I wish to submit this
9 article for the record.

10 About 70 to 75 percent of North
11 Dakota's soybeans are sold to Pacific Northwest
12 ports, according to the Upper Great Plains
13 Transportation Institute in Fargo. Most of those
14 beans go to China. However, as North Dakota
15 farmer Randy Nelvin notes, "We recognize that
16 soybean tariffs have been proposed but haven't
17 gone into effect." Sir, we're hopeful the
18 soybean tariffs do not go into effect and
19 appreciate the administration's efforts to
20 exclude agricultural products from any potential
21 tariff list.

22 North Dakota corn farmer Kevin Skunes,

1 also serving as the president of the National
2 Corn Growers Association, says, "As corn farmers,
3 we need open markets for agricultural goods and
4 want the trade doors with China to remain open.
5 We appreciate President Trump's commitment to
6 agriculture by offering Secretary Perdue the
7 option to make emergency assistance payments to
8 farmers, but farmers prefer having a market for
9 their crops. While we're grateful for the
10 support, America's farmers prefer building
11 markets to new trade, not relying on aid
12 payments."

13 And while not directly related to
14 Section 301 sanctions, I also want to express my
15 concern regarding the administration's recent
16 implementation of Section 232 tariffs on steel
17 and aluminum. North Dakota is home to more than
18 17,000 workers employed in industries dependent
19 on production and consumption of steel and
20 aluminum, particularly in manufacturing and
21 energy. Widely-applied tariffs on these products
22 increases costs for domestic manufacturers, which

1 ultimately slows job growth and leads to higher
2 prices for consumers.

3 I appreciate the administration's
4 strong commitment to American energy dominance
5 through its efforts to roll back harmful
6 regulations and its support of job creation tax
7 cuts. However, I worry tariffs will hinder the
8 great progress we have achieved by making it more
9 expensive to construct vital energy
10 infrastructure, such as pipelines, which are
11 necessary for America's long-term energy
12 security. To this end, I encourage the
13 administration to narrow the scope of these
14 tariffs and provide for a robust exclusion
15 process to ensure American manufacturers and
16 energy producers have access to the products they
17 need to keep America's economy growing.

18 Mr. Busis and members of the
19 committee, I close with a comment about
20 agriculture. As you proceed with commendable
21 efforts to bring about a free and fair trade
22 policy with our world partners, especially China,

1 I want my testimony to reinforce that agriculture
2 is the backbone of our country's economy. North
3 Dakota farmers have always been proud to be part
4 of the bread basket of America and I urge you to
5 keep the importance of their role in the world at
6 the forefront of trade negotiations.

7 Farming plays a key role in
8 maintaining world peace, serving as the moral
9 compass for a culture that values hard work,
10 faith, and family. And throughout our nation's
11 history, farmers have been crucial in keeping
12 America strong. And while some disruption may be
13 a necessary part of the negotiation process, it
14 should not all be done on the backs of our
15 farmers.

16 With that, I thank you for your time.

17 MR. BISHOP: Mr. Chairman, that
18 concludes congressional testimony for the day.
19 Congressman, we thank you so much for coming
20 today, and we would invite the members of our
21 first panel to please come forward and be seated.

22 Mr. Chairman, our first witness on

1 this panel is David French with the National
2 Retail Federation. Mr. French, you have five
3 minutes.

4 MR. FRENCH: Thank you for the
5 opportunity to present the views of the National
6 Retail Federation. NRF is the country's largest
7 retail trade association representing discount
8 and department stores, home goods and specialty
9 stores, main street merchants, grocers,
10 wholesalers, chain restaurants, and internet
11 retailers.

12 My name is David French. I'm the
13 Senior Vice President of Government Relations for
14 the NRF. Since you have my written statement, I
15 will be brief.

16 In the United States, retail supports
17 42 million jobs, roughly one in four of the
18 nation's total. Retail is the last stop in a
19 global value chain that sustains millions of
20 high-quality jobs in fields like research and
21 design, marketing, warehouse logistics and
22 distribution, compliance, and finance.

1 Retailers import good for
2 manufacturers and vendors in China for very
3 specific reasons. They have the scale to produce
4 large orders. They offer the best value, which
5 means they combine low cost with reliable
6 delivery, quality, and other such factors; and
7 they're integrated in the global supply chain and
8 retailers have longstanding relationships with
9 vendors in China who we are confident meet our
10 standards for labor and environmental and other
11 forms of compliance.

12 Capacity constraints are real.
13 Retailers do not source these same goods in the
14 same quantity from other suppliers because other
15 suppliers do not offer the combination of
16 quality, quantity, and reliability that can be
17 found in China. If retailers could substitute
18 products made in the U.S. or other countries,
19 they certainly would.

20 Beyond manufacturing capability,
21 logistics are also an important consideration.
22 Not every country has the combination of port

1 facilities, road and rail, electrical grid, and
2 workforce that is available in China. Lack of
3 access to sufficient deep-water shipping capacity
4 in Vietnam, for example, was a major issue in the
5 consideration of TPP.

6 Even talking about tariffs is raising
7 costs, as many retailers are looking at their
8 supply chain and examining where other suppliers
9 can be found. These costs will find a way into
10 prices for products.

11 Twenty-five percent tariffs on imports
12 from China will raises costs, as well, which we
13 will have to pass on to consumers, even if there
14 are alternative sources of supply, because, if
15 there is an alternative vendor in another
16 country, it will take time and money to move
17 sourcing and the alternative vendor, by
18 definition, already costs more than a Chinese
19 vendor or else we'd be using them already.

20 So even though the alternative vendor
21 is not subject to tariffs, higher costs of that
22 vendor, plus the cost of moving orders, will be

1 passed on to consumers. If there's no
2 alternative vendor, the full amount of tariffs
3 will get passed on to consumers.

4 Finally, most retailers have already
5 placed orders with vendors for back to school and
6 holiday sales. It is too late to switch those
7 orders now, so the higher costs will be passed on
8 to consumers if tariffs are imposed in the near
9 term.

10 Our studies, which we included in the
11 public docket, show that the higher cost will not
12 only hurt consumers at checkout but ultimately
13 hurt U.S. jobs. The negative impacts will
14 reverberate through the economy and hurt domestic
15 manufacturing and services firms. Agricultural
16 workers in particular will be hard hit when China
17 retaliates.

18 We encourage the administration to
19 avoid these harms by working bilaterally and
20 multilaterally to achieve a negotiated solution
21 with China that addresses the serious IPR and
22 other concerns as identified by USTR in the

1 Section 301 report. Another tool would be
2 working with Congress to expand the scope of
3 products eligible for benefits under Generalized
4 System of Preferences, or GSP. China is not a
5 GSP beneficiary, so expanding GSP to products
6 like apparel and footwear would make it cost
7 effective for U.S. companies to undertake the
8 investments needed to divert sourcing from China
9 to GSP-eligible countries.

10 It's not complicated. Higher tariffs
11 are a tax on growth that will hurt consumers and
12 cost American jobs. Thank you.

13 MR. BISHOP: Thank you, Mr. French.
14 If Mr. Wolff is in the room, would you please
15 come forward and be seated at your name sign.
16 Thanks so much.

17 Our next witness on this panel is Rick
18 Helfenbein with the American Apparel and Footwear
19 Association. Mr. Helfenbein, you have five
20 minutes.

21 MR. HELFENBEIN: Thank you for
22 providing us the opportunity to testify this

1 morning on an issue that is extremely important
2 to our industry and to the economic health and
3 prosperity of our nation. I am appearing on
4 behalf of the American Apparel and Footwear
5 Association. We represent more than 300
6 companies and a thousand world-famous brands.
7 Our industry employs nearly four million people
8 and contributes more than \$384 billion in annual
9 U.S. retail sales.

10 My goal this morning is to convey
11 three key points to you. We also intend to
12 follow-up with a longer statement for the record.

13 So point number one, to be absolutely
14 clear, we strongly support your combined efforts
15 to seek a meaningful resolution of the underlying
16 disputes with China. Forced technology transfer
17 and intellectual property theft undermine the
18 ability of U.S. companies to create and advance
19 American employment. AAFA members have a long
20 and well-documented history of working towards
21 the improvement of Chinese IPR enforcement,
22 especially, especially in the domains of

1 trademark, copyrights, patent, and trade secrets.

2 While we have seen some progress in
3 recent years, these gains are, at best, spotty,
4 an insufficient to overcome systemic problems
5 that hurt our members, their employees, and their
6 shareholders. Thus, we cheer targeted efforts to
7 ensure sustained long-term solution to this
8 persistent problem. However, one note of
9 caution. We need to be absolutely certain that
10 the attempt to fix the problem does not endanger
11 our overall trading partnerships and remains
12 targeted to where the real issues lie.

13 Point number two, we are pleased, we
14 are really pleased that the administration did
15 not include any textiles, apparel, footwear, or
16 travel goods on the initial list that was
17 presented for tariff application. However, we do
18 remain concerned that there could be an attempt
19 to include these products in the current or
20 future list. We strongly oppose any such move.

21 Please consider the following in
22 taking that assumption: The United States already

1 imposes a significant border tax on our products.
2 As an industry, hear this, as an industry, we pay
3 51 percent of all Americans' receipts, even
4 though we account for only six percent for all
5 items that are imported. We are heavily taxed
6 and we cannot afford further costs that would
7 arbitrarily be imposed on our industry and on the
8 American consumer.

9 It is a fact that tariffs are a hidden
10 tax on U.S. consumers. Americans who buy our
11 products are already over-tariffed with the
12 average rate being 12.5 percent for apparel and
13 11.3 percent for footwear. The addition of a 25-
14 percent tariff on top of this existing burden
15 would have an immediate and inflationary impact
16 in the United States. We estimate that a family
17 of four would end up paying annually at least
18 \$500 more to buy our consumer products, and this
19 does not account for any price increases that
20 non-China suppliers would surely charge.

21 Point number three, we are deeply
22 disturbed and actually saddened that the new

1 tariff list included several categories of
2 imported equipment and machinery that our members
3 need to make product in the USA. The list
4 includes items such as circular knitting machines
5 for hosiery, loom weaving machines, embroidery
6 machines, warp knitting machines, sewing machine
7 equipment, and textile spinning machines, all
8 used to make textile, apparel, and footwear in
9 the USA.

10 After seeing some growth in our made-
11 in-USA business components, subjecting these
12 items to additional 25-percent tariff is, we
13 believe to be, unconscionable. In many of these
14 categories, China is our top equipment supplier
15 in the United States. Adding a tax to the basic
16 tools that we use to enhance made-in-the-USA will
17 add cost to the U.S. manufacturing base, which
18 will raise prices throughout the supply chain,
19 hurt U.S. consumers, and hurt the growth of U.S.
20 manufacturing. We are adamantly opposed to these
21 items being included on the list.

22 In summary, we are truly pleased that

1 the administration has started a dialogue with
2 China. There are many items in our relationship
3 to fix, and it remains critically important to
4 move this past the current state of
5 unpredictability in our trade relationship. We
6 remain hopeful that you can achieve decisive
7 action and lasting progress in this area and that
8 the tariff threat on the U.S. consumer and
9 counter-tariffs from China, including items like
10 U.S. cotton, can be eliminated. More tariffs are
11 not a cure to what ails us. It is our hope that
12 a negotiated solution to the real problem will be
13 the ultimate result.

14 Thank you for your consideration of
15 these views.

16 MR. BISHOP: Thank you, Mr.
17 Helfenbein. Our next witness is Anne Hoef with
18 Mabuchi Motor American Corporation. Ms. Hoef,
19 you have five minutes.

20 MS. HOEF: Good morning and thank you
21 for having me here this morning. My name is Anne
22 Hoef, and I am the Treasurer of Mabuchi Motor

1 America Corp. For brevity, I'll refer to us as
2 Mabuchi America.

3 Our office is in Troy, Michigan, which
4 is located 20 miles north of Detroit. We are an
5 American company and have been in business since
6 1977. Our staff of 25 hardworking full-time
7 employees rely on Mabuchi America for their
8 livelihood.

9 Mabuchi America engages in the import
10 and resale of small DC motors to customers in
11 North America. Our sales are approximately \$180
12 million per year. We sell about 90 different
13 motor models, from tiny electric toothbrush
14 motors to larger motors for vehicle power windows
15 and seats.

16 Our motors are very well accepted by
17 customers worldwide because of our outstanding
18 reputation for quality products at competitive
19 prices. Automotive, medical, and consumer
20 product industries are the primary users of our
21 products.

22 The proposed Section 301 tariffs on

1 Chinese imports applies to two of our tariff
2 numbers, 85011040 and 85013120. Mabuchi America
3 is unable to shift its supplier source to
4 factories outside of China in order to avoid the
5 proposed tariff increase. We can't shift
6 suppliers because our sole supplier is our owner,
7 Mabuchi Motor in Japan.

8 Approximately 32 percent of our motors
9 are produced in China and our supplier does not
10 have additional capacity at their Vietnam and
11 Mexico factories. The cost to retool a new
12 location would be passed on to Mabuchi America by
13 charging higher prices for motors. The flow-
14 through cost from our supply would be much higher
15 than the proposed additional 25-percent tariff.

16 We also can't shift suppliers because
17 our customers must validate production location
18 changes before they can purchase our motors. It
19 takes approximately 6 to 12 months to validate a
20 new production site. Product validation is very
21 costly to both our supplier and our customers.

22 I hope you can see that sourcing

1 motors exclusively from non-Chinese manufacturers
2 is not an option for Mabuchi America. If the
3 proposed tariff is implemented, it will cause
4 disproportionate economic burden on Mabuchi
5 America. The tariff will affect approximately
6 \$17 million, or nine percent, of our annual
7 sales, increasing tariffs by \$3.6 million a year.

8 In order for us to remain profitable,
9 we would have to increase prices to our
10 customers. Such a price increase, which would be
11 about 21 percent per DC motor, would put Mabuchi
12 America at a significant price disadvantage
13 compared to motor manufacturers and distributors
14 outside the China supply chain. Ultimately, this
15 can mean reduced sales and profits for us. We
16 would likely need to layoff two staff since
17 staffing is based on our projected sales.

18 Unfortunately, our U.S. manufacturing
19 customers, and that's approximately 70, will be
20 impacted the most by the proposed tariff
21 increase. These customers would likely evaluate
22 whether to continue using our motors at a higher

1 price, or they might try to find a non-Chinese
2 made model somewhere else. It may not be easy to
3 find another supplier that can provide the
4 specific motor model that they need. If they are
5 able to identify a new supplier, they must
6 validate the product before using the motor in
7 their application.

8 Whether they stay with Mabuchi America
9 or move to a different supplier, our customers
10 will certainly be negatively affected by the
11 proposed tariff increase. And like us, our
12 customers will probably need to pass the added
13 cost to their customers, ultimately the U.S.
14 consumer. Consumers will pay the costs of this
15 tariff with higher prices for medical services,
16 consumer goods, and automobiles.

17 Mabuchi Motor America Corp
18 respectfully requests that the proposed tariff
19 increase on Tariff Number 85011040 and 85013120
20 on Chinese imports be removed from the proposed
21 action. Thank you.

22 MR. BISHOP: Thank you, Ms. Hoef. Our

1 next witness is Julia Hughes with the U.S.
2 Fashion Industry Association. Ms. Hughes, you
3 have five minutes.

4 MS. HUGHES: Thank you. And thank you
5 for the opportunity to be here today. Fashion is
6 made possible by global trade, and that's why
7 U.S. FIA urges the administration and the
8 committee to leave fashion products off the list
9 of products subject to tariff increases under
10 Section 301.

11 First, a little bit about U.S. FIA.
12 We represent apparel brands, retailers, importers
13 and wholesalers based in the United States and
14 doing business globally, including many of the
15 iconic fashion brands worn and loved by everyone
16 in this room. You're probably wearing many of
17 our members today, and global trade allows them
18 to produce quality affordable products for you,
19 your families, and families across America.

20 Perhaps more than any other sector of
21 manufactured goods, the fashion industry relies
22 on global supply chains. A bale of cotton may be

1 grown in Texas, shipped to Europe to be made into
2 yarn, shipped to Korea to be made into fabric,
3 shipped to Vietnam to be made into apparel, and
4 then shipped back to the U.S. to be sold at a
5 store in Texas. But even more exciting, those
6 same garments may be using that supply chain may
7 also be sold in Singapore, Japan, Dubai, or
8 London.

9 We are acutely aware of the need to
10 aggressively challenge all types of trade
11 barriers. We support better market access, not
12 only to boost U.S. exports or U.S. imports but
13 also to facilitate global trade.

14 I'm not going to talk about imports.
15 My colleagues have done and talked about the
16 duties that we pay and the retail jobs for our
17 sectors. But I do also want to note that fashion
18 brands and retailers create high-quality, high-
19 paying jobs in design, product development,
20 logistics, sourcing, service opportunities here
21 in the U.S., in addition to manufacturing jobs.
22 These global value chains allow our member

1 companies to provide Americans with affordable
2 fashion made possible by trade.

3 So what do we need today? We think we
4 need to be talking about multilateral action, not
5 tariffs. Imposing tariffs on imports of our
6 products and many others would do nothing to
7 solve real concerns about China's IP policies and
8 practices outlined in the Section 301 report.

9 From the experience of U.S. FIA member
10 companies who source and sell products around the
11 world, including and especially in China, the
12 best way to address these concerns is action at
13 the multilateral level that includes our other
14 global trading partners. Believe us, our sector,
15 we know about IP concerns and we want to resolve
16 them.

17 Additional tariffs on clothing,
18 footwear, and other fashion products would
19 constitute a huge regressive tax increase and
20 tariffs on these products are already among the
21 highest for manufactured goods, reaching 32
22 percent of manmade fiber apparel and 67 percent

1 for footwear. Why burden American families even
2 more? And for many of these products, China
3 remains the number one supplier in the world with
4 no realistic options for other sourcing
5 destinations that could replace China in the
6 short term, medium term, or even the long term
7 for some products.

8 So finally and most importantly, these
9 tariffs would have a negative impact on the
10 American jobs created by our members. And I want
11 to highlight this because, for us, this is our
12 most important message that we could bring today.
13 Trade supports high-quality high-paying design,
14 product development, logistics, sourcing, e-
15 commerce, and service jobs. In fact, according
16 to recent studies of our industry's global value
17 chains, based on confidential data from
18 companies, 70 percent of the value of imported
19 clothing sold in the United States remains here
20 in the U.S., even if that clothing is 100-percent
21 manufactured outside the U.S.

22 We ask the administration to work with

1 us to foster, not discourage, the growth of these
2 jobs at America's most innovative and iconic
3 brands.

4 To conclude, we urge you to leave
5 apparel and other fashion products off the list
6 of products subject to tariff increases if there
7 is retaliation, and we included in our written
8 testimony the long list of products because it's
9 apparel, it's travel goods, as we said before,
10 it's accessories, it's purses, it's footwear,
11 it's home textiles, it's jewelry. There are a
12 lot of products where China is the major source.

13 We ask you to support fashion made
14 possible by trade and the jobs we create right
15 here in the United States. Thank you.

16 MR. BISHOP: Thank you, Ms. Hughes.
17 Our next witness is Nicole Vasilaros with the
18 National Marine Manufacturers Association. Ms.
19 Vasilaros, you have five minutes.

20 MS. VASILAROS: Thank you and good
21 morning. My name is Nicole Vasilaros and I am
22 the Senior Vice President for Government and

1 Legal Affairs for the National Marine
2 Manufacturers Association. NMMA is the largest
3 recreational marine industry trade association in
4 the world. Our 1300 North American members
5 represent boat, engine, accessory, and trailer
6 manufacturers and make up nearly 85 percent of
7 the marine products sold in the United States.

8 Boating significantly contributes to
9 the U.S. economy with \$37 billion in annual
10 sales, 650,000 jobs, and 35,000 marine
11 businesses. Our industry is a uniquely American-
12 made product. Ninety-five percent of the boats
13 sold in the U.S. are made in the U.S.

14 American manufacturers like ours rely
15 on a competitive global market, fair pricing, and
16 economic stability to grow their business and
17 hire more workers. While NMMA appreciates the
18 administration's actions to target unfair trade
19 practices, we believe the sweeping imposition of
20 high and compounding tariffs will have a
21 detrimental impact on U.S. marine manufacturers
22 and consumer products.

1 This proposal penalizes American
2 manufacturers that utilize global supply chains
3 to efficiently deliver their products to
4 consumers at a competitive price. Marine
5 manufacturers have serious concerns regarding the
6 inclusion of recreational marine products and
7 component parts on this list, products including
8 hydrojet engines, marine combustion engines,
9 propellers, and fuel injection pumps are critical
10 to propulsion and operability of recreational
11 vessels. Subjecting these items to a 25-percent
12 tariff will not penalize Chinese companies but
13 rather American businesses that import these
14 essential components and American consumers who
15 will pay more for final products.

16 Marine electronics are another target
17 for the pending tariff. Items such as
18 navigational instruments, display monitors,
19 radar, antennas, and transistors are essential
20 components in a boat. The ability of boaters to
21 properly navigate our waterways and signal for
22 assistance is paramount to safe operation. This

1 proposed tariff will not only increase the cost
2 of the end product to American consumers but
3 could jeopardize essential safety.

4 If this administration truly wishes to
5 promote U.S. manufacturing, they must not
6 increase the cost to domestically manufacture. A
7 25-percent tariff on manufacturing equipment,
8 like molds, pulleys, gears, and ball bearings,
9 will put U.S. manufacturers at a competitive
10 disadvantage by unnecessarily increasing their
11 manufacturing costs.

12 Lastly, this 301 tariff includes many
13 aluminum and steel parts that are already facing
14 tariff action through 232 and anti-dumping
15 actions. The compounding effect of tariffs on
16 steel and aluminum directly threatens U.S. marine
17 manufacturers. Aluminum is a critical raw
18 material for the boating industry, supporting
19 22,000 jobs and 43 percent of U.S. unit sales
20 last year. A 25-percent tariff on aluminum
21 component parts on top of a worldwide tariff and
22 common alloy sheet tariff could be catastrophic.

1 This high and sweeping tariff will
2 increase the costs of doing business to our
3 35,000 marine businesses and make boating less
4 affordable for 142 million Americans that take to
5 the water each year. Manufacturers do not have
6 the luxury of finding alternative suppliers for
7 many of the critical parts targeted on this
8 exhaustive list. It could take years and even
9 decades for competitive suppliers to come online,
10 if at all. U.S. marine companies will be stuck
11 footing the bill, which will impact
12 profitability, increase costs to the end user,
13 decrease sales, eliminate jobs, reduce investment
14 in plants and equipment, and reduce U.S. global
15 competitiveness.

16 While the tariffs are not yet in
17 effect, the mere possibility of such tariffs on
18 hundreds of millions of dollars of goods in the
19 marine industry is already alarming our
20 companies. For example, marine antenna receivers
21 are an important component of boating safety and
22 navigation. One U.S.-based marine manufacturer

1 with facilities in Columbia, South Carolina,
2 employs approximately 200 people but would face
3 significant cost increases from a tariff on
4 component antenna parts sourced to a Chinese
5 facility, assembled in the U.S., and sold
6 throughout the globe.

7 American businesses should not be
8 subject to steep tariffs in an effort to deter
9 China from its unfair trade. These issues would
10 be far better addressed in a negotiated bilateral
11 trade agreement with China.

12 The proposed tariff action would tax
13 U.S. manufacturers without guaranteeing the
14 objectives by USTR in this report. The remainder
15 of my written comments and the specific HTS codes
16 consisting of marine products, component parts,
17 and machinery are found in your written materials
18 and I urge USTR to exclude this from a final
19 determination list. Thank you.

20 MR. BISHOP: Thank you, Ms. Vasilaros.
21 Our final witness on this panel is Richard Wolff
22 with JST Power Equipment. Mr. Wolff, you have

1 five minutes.

2 MR. WOLFF: Good morning. I'm Richard
3 Wolff, Vice President of Business Development for
4 JST Power Equipment, and I appreciate the
5 opportunity to present my testimony.

6 The specific products sold by our
7 company subject to the increased duties proposed
8 by the USTR are medium-voltage cast epoxy resin
9 transformers which fall under the HTS sub-
10 headings 85043300, 85043400, and 85049096.
11 Collectively, these HTS sub-headings cover all
12 medium-voltage dry-type transformers and the
13 components to build those.

14 For the reasons which I will now
15 mention, we request that you remove the foregoing
16 products from the list of those targeted for
17 action by the USTR. The first reason, absence of
18 technology transfer for these specific products
19 from U.S. to China. The technology for cast
20 epoxy resin transformers is not new, and the
21 U.S., historically, has not been a leader in the
22 field. The technology was initially developed in

1 Europe around 1962. Soon after, the markets in
2 Europe and East Asia were developed for this type
3 of transformer. Eventually, China became the
4 world's largest market as a result of building
5 codes which were adapted around 1993, which
6 required any building with public access to
7 utilize cast epoxy resin transformers.

8 In contrast, the market for these
9 types of transformers developed at a much slower
10 pace in the U.S., which predominantly use
11 varnish-type BPI transformers. As demand grows
12 in the U.S., it was simply imported from Europe.

13 In general, the technology for medium-
14 voltage dry-type transformers is very mature and
15 common worldwide. There is no reason that the
16 U.S. will lose a competitive edge related to
17 these products, and the proposed tariffs will do
18 little to protect any technology interest of the
19 U.S.

20 On the contrary, JST Power Equipment
21 has been able to leverage the robust market
22 conditions in China to reinvest in R&D and

1 develop technology which has been brought to the
2 U.S. As a result, the technology transfer is
3 going from China to the U.S.

4 The second reason, little to no
5 influence with respect to a shift in China's
6 policies as the stated objective. The tariffs
7 being contemplated for medium-voltage dry-type
8 transformers will have little to no effect on the
9 trade policies being pursued by the Chinese
10 government which were found objectionable. First,
11 JST Power Equipment is not and has never been a
12 state-owned enterprise. The Chinese government
13 has never been a state-owned enterprise. The
14 Chinese government has never held any interest in
15 the company and, as such, will not be directly
16 affected by tariffs which are imposed on the
17 company's products.

18 Secondly, the company's sales in the
19 U.S. are too small to adversely affect the
20 Chinese operation to indirectly influence the
21 Chinese government into reforming its trade
22 policies. The U.S. remains a niche market for

1 cast epoxy resin transformers, estimated to be
2 about 150 million in annual sales versus over a
3 billion dollar market in China.

4 Since the company's share of the U.S.
5 market is only 6.4 percent of the tariffs being
6 contemplated, it will only affect about 9.5
7 million of its worldwide sales, which is not a
8 significant factor to influence the Chinese
9 government to alter its path on trade.

10 The third reason, misappropriate
11 economic harm to U.S. interests, including small
12 or medium-sized businesses and consumers. While
13 the proposed tariffs are unlikely to have a
14 significant effect on the company's operations in
15 China, they will have a huge impact on its
16 operations in customers in the U.S. Simply
17 stated, if implemented, the tariffs will put the
18 company at such a disadvantage domestically as to
19 make its continued presence in the U.S.
20 untenable. This would be unfortunate because the
21 company has established assets in the U.S. to
22 manufacture, test, and produce field service for

1 its products. This adds to the local economy by
2 providing employment, generating tax revenue, and
3 offering a cost-effective product which helps to
4 build U.S. infrastructure. Ultimately, American
5 jobs will be lost if the company were to cease
6 its U.S. operations.

7 The company has also established an
8 international purchasing function at its
9 Carlstadt, New Jersey facility which sources
10 components from U.S. vendors to be used in
11 manufacturing operations in China. As a result,
12 the company's withdrawal from the U.S. market
13 would have a ripple effect. The proposed tariff
14 would also artificially increase costs of the
15 company's U.S. customers in America.

16 It is respectfully requested that the
17 products listed under HTS sub-heading 85043400,
18 85043300, and 85049096 be removed from the list
19 of products being considered by your office.

20 Thank you.

21 MR. BISHOP: Thank you, Mr. Wolff.
22 Mr. Chairman, that concludes direct testimony

1 from this panel.

2 CHAIR BUSIS: Okay. Before we move to
3 the questions of this panel, we will provide the
4 administrative reminders for today. This hearing
5 is scheduled for three days. Today is the second
6 day of the hearing. We have 17 panels of
7 witnesses with over 100 individuals scheduled to
8 testify. The provisional schedule has been
9 posted on the USTR website.

10 We have seven panels of witnesses
11 scheduled to testify today. This is the first
12 panel. We will have a brief break between panels
13 and a longer break for lunch.

14 Each organization appearing at the
15 hearing is limited to five minutes of oral
16 testimony and the lights will assist Mr. Bishop
17 in controlling the timing. After the testimony
18 from each panel of witnesses, the Section 301
19 Committee will have an opportunity to ask
20 questions. All questions will be from agency
21 representatives. There will be no questions
22 accepted from the floor. Committee

1 representatives will generally direct their
2 questions to one or more specific witnesses.

3 Post-hearing comments, including any
4 written responses to questions from the Section
5 301 Committee, are due by Tuesday, May 22. The
6 rules and procedures for written submissions are
7 set out in the April 6th Federal Register notice.

8 Given the number of witnesses in the
9 schedule, we request that witnesses, when
10 responding to questions, be as concise as
11 possible. We likewise ask witnesses to be
12 understanding if and when the Chair ask that a
13 witness conclude a response. In this regard,
14 witnesses should recall that they will have a
15 full opportunity to provide more extensive
16 responses in their post-hearing submissions.

17 No cameras or video or audio-recording
18 will be allowed during the hearing. A written
19 transcript of this hearing will be posted on the
20 USTR website and on the Federal Register docket
21 as soon as possible after conclusion of this
22 hearing.

1 MS. HOWE: My first question is for
2 Mr. French. I'm Julia Howe with USTR, and my
3 first question is for Mr. French. So you
4 testified as to the general effects that the
5 proposed tariffs would have on U.S. retailers.
6 Could you give the committee a sense of how acute
7 the impact would be? For example, would tariffs
8 on particular products cause a particularly acute
9 impact and would particular types of retailers be
10 most affected by the proposed tariffs?

11 MR. FRENCH: Thank you. Well, let me
12 point to a study that we conducted with the
13 Consumer Technology Association that concluded
14 that the proposed tariffs on televisions, for
15 example, would raise the cost of a certain kind
16 of television from approximately \$250 to \$308, an
17 increase of 23 percent.

18 Our study has drawn that conclusion
19 based on, that kind of television is typically
20 sold at a Black Friday sale, so it's a smaller
21 size and maybe different characteristics than
22 would be typically available in the market at

1 other times of the year.

2 I think the second part of your
3 question was which kinds of retailers would be
4 more acutely hurt. The smaller the retailer, the
5 more the pain and the less control they have over
6 their supply chain in terms of where the product
7 is sourced, and so the more vulnerable they are
8 to price increases passed along from
9 manufacturers.

10 MR. SULEWSKI: This question is for
11 Richard Wolff with JST Power Equipment.

12 Listening to testimony, to your knowledge, are
13 there any domestic U.S. producers of cast epoxy
14 resin transformers? You had indicated there are
15 some uses for which the cast epoxy resin
16 transformers are preferred and cannot easily be
17 substituted for. Can you describe the
18 alternative products that can compete with cast
19 epoxy resin transformers and what the difficulty
20 is in substituting them?

21 MR. WOLFF: Yes. The market in the
22 U.S. is pretty much an oligopoly. There is

1 another manufacturer in the U.S., but I believe
2 they're of European origin. It's ABB. And they
3 also have assets in the U.S., as well.

4 There is, when you get into technical
5 differences, a little bit of a difference in
6 their product versus ours, so sometimes
7 substitution is not as easy. But, basically, in
8 the marketplace, it's us and them. If we're
9 chased out of the marketplace because of tariffs,
10 then, in effect, the market will be a monopoly
11 with one supplier for cast epoxy resin
12 transformers.

13 MR. BLAHA: Hi, Chris Blaha,
14 Department of Commerce, and I had a question for
15 Miss --

16 MR. BISHOP: Could you pull your mike
17 a little bit closer, please?

18 MR. BLAHA: Oh, sorry. My question is
19 for Ms. Hoef from Mabuchi Motor. Anne, I think
20 you had mentioned a little over three percent of
21 your imports came from China. I was wondering
22 where else the imports came from and does it all

1 come from your parent company?

2 MS. HOEF: It all comes from the
3 parent company. We're a wholly-owned subsidiary
4 of Mabuchi Motor in Japan. Thirty-two percent of
5 our motors do come from China. The others
6 remaining come from Vietnam. And then we just
7 opened a factor in Mexico, so we started
8 production there last year.

9 MR. BLAHA: Thank you. And you gave
10 a few examples, I think, of the motors used for
11 automotive products. Could you just give a
12 specific example of, you mentioned medical
13 equipment.

14 MS. HOEF: Yes. So in automobiles,
15 and I just learned this, like, in the last two
16 weeks, so bear with me, but so the side mirror in
17 your car, so you use that little control to
18 adjust your mirror, we're in there. We're in a
19 lot of cars in the U.S. Medical, there's a
20 device that's used to suction wounds, like during
21 surgery or maybe during an ER. I think it's
22 called a lavage pump. It's used in that, so it's

1 a disposable pump.

2 About 30 percent, and this surprised
3 me, about 30 percent of the U.S. manufacturers
4 affected by this tariff on our motors are
5 medical. So being in the Detroit area, obviously
6 we're focused on automotive, but I'm surprised
7 how much of medical and actually consumers. We
8 also have a large consumer manufacturer that does
9 razors, the little teeny razor motors.

10 MS. PETTIS: I'm Maureen Pettis from
11 the Department of Labor. This is a question for
12 Ms. Vasilaros. Are the component products you've
13 identified manufactured domestically --

14 MR. BISHOP: Maureen, can you speak
15 directly into your mike, please? Thanks so much.

16 MS. PETTIS: Sorry. Are the component
17 products you've identified manufactured
18 domestically in the United States and are any
19 manufactured nowhere other than China? Do any of
20 the component products you've identified
21 constitute a large share of cost of any
22 downstream production?

1 MS. VASILAROS: So it's a bit of a
2 mix. I'll kind of answer backwards. Some of the
3 component products, such as the engines
4 themselves, that's a significant portion of the
5 overall cost of the vessel. So that would have a
6 significant impact on the overall price for the
7 consumers.

8 As far as other areas where some of
9 these component products are sourced, Mexico and
10 Canada are some other large trading partners.
11 But keep in mind the range of products that are
12 on this list. Almost every boat has at least one
13 of it. So if you have your antenna, the screen,
14 the GPS, the radar, everything, even down to some
15 of the ball bearings that are used in the engine
16 itself. So from our studies, at least every boat
17 will have some sort of impact from these
18 component parts, but a large price would be from
19 the engine and more of the technology in the
20 vessel itself.

21 MR. SECOR: Peter Secor from the State
22 Department. My question is for Mr. Helfenbein

1 and it --

2 MR. BISHOP: Can you pull your mike a
3 little closer, please?

4 MR. SECOR: My question is for Mr.
5 Helfenbein. It relates to the point you made
6 about equipment and machinery. Your submission
7 indicates that the imposition of tariffs on
8 textiles, apparel, and footwear equipment and
9 machinery will result in increased costs for your
10 members who are making these products in the
11 United States. China represents only ten percent
12 of total imports of these machinery lines, and
13 the majority of these tariff lines are currently
14 duty-free. Approximately how long would it take
15 for the domestic or non-Chinese producers to meet
16 domestic demand if tariffs were placed on imports
17 of these products from China?

18 MR. HELFENBEIN: A quick and easy
19 answer to that, China is a large percent of the
20 machines that I specifically mentioned, and the
21 ability to replace them is, A, not easy and, B,
22 difficult, and also China is a low-cost supplier.

1 So as we're trying to grow the made-in-USA
2 business, any tariff that you put on machines
3 that we bring in to do that is a hurt. You
4 immediately try and go and source the machines
5 somewhere else. The supply is limited, the price
6 is higher. And it ends up having a negative
7 impact.

8 We're working really hard to improve
9 made-in-USA. Tariffing the tools that we use to
10 do it is really not a help.

11 MR. BLAHA: This question is for Ms.
12 Hughes in the U.S. Fashion Industry Association.
13 You indicated that the imposition of tariffs on
14 clothing, footwear, and other fashion products
15 would constitute a tax increase. These products
16 were not on the proposed list. If tariffs were
17 imposed on these products, how long would it take
18 for U.S. brands and retailers to change their
19 sourcing patterns either domestically or to other
20 countries?

21 MS. HUGHES: Thanks for the question.
22 And, yes, you're right, we're appearing and

1 talking about a lot of products that aren't on
2 the initial list but have been threatened for
3 future lists. And we know that later testimony
4 is going to talk about adding us to the list, so
5 we really wanted to be proactive to get our
6 message out there.

7 So without being too long-winded, our
8 industry is kind of interesting, a little bit
9 different maybe than some of the others, so
10 there's a lot of concentration, I'll just talk
11 about apparel for right now, of apparel products
12 that are made in China with China the top
13 supplier, supplying about 41 percent by quantity,
14 and Vietnam the second-largest supplier, about 13
15 percent. So we have more than half of our
16 imports are coming from those two countries.

17 A lot of our members have looked at
18 how they can look at some strategic planning for
19 alternate sourcing, and it would take a long
20 time. And right now it's not clear that there's
21 capacity available even to replace China, which
22 is why we suspect that, for some companies, they

1 will be forced to have to pay the tariff if there
2 is a tariff imposed on our products. And why is
3 that? I mean, part of that is because our sector
4 has been, for so long we were under special
5 protection with the quotas. And when those
6 ended, there was really a growth for the most
7 competitive countries, which included China,
8 Bangladesh, India, Indonesia. And today there's
9 not a lot of unused capacity in those countries.

10 We know that we could talk about
11 trying to source more from some of our free trade
12 partners, and I'll include in the post-hearing
13 comments some additional information from
14 analysis that we've gotten from some of our
15 members. But even there today, talking with
16 folks in the region, for example NAFTA and CAFTA
17 suppliers, they're basically at most of the major
18 factories, say they're at full capacity right
19 now, so we see a potential dilemma if we're
20 looking to source someplace else that will either
21 raise prices or, frankly, we won't be able to
22 find the product.

1 CHAIR BUSIS: Thank you, Ms. Hughes.
2 As you noted, you're welcome to elaborate in your
3 post-hearing brief and you're also welcome to
4 comment on other testimony that you had
5 mentioned. That's fine.

6 Mr. Bishop, I think -- are there
7 anymore questions from the panel? No. Okay. I
8 think we're ready to call the next set of
9 witnesses.

10 MR. BISHOP: We release this panel
11 with our thanks, and we invite our next panel to
12 please come forward and be seated.

13 (Pause.)

14 MR. BISHOP: Our first witness on this
15 panel is Billy Milligan of Commercial Metals
16 Company. Mr. Milligan, you have five minutes.

17 MR. MILLIGAN: Thank you and good
18 morning. My name is Billy Milligan. I'm the
19 Director of Marketing for Commercial Metals
20 Company. I appreciate this opportunity to appear
21 before you here today to express our support on
22 the Chinese origin products being imposed under

1 Section 301 and to request that the USTR add
2 steel fence posts to that list of products.
3 These steel products are classified under HTS
4 Number 73269086.

5 First, I'd like to provide you with a
6 little bit of background on our company. CMC is
7 one of the world's most technologically-advanced
8 and efficient steel producers, as well as the
9 largest producer of steel fence posts in the U.S.
10 We pioneered the micro mill technology, which
11 enables us to produce steel-like fence posts at a
12 very efficient and globally competitive cost.

13 The American steel industry today as
14 a whole is as modern and competitive as any in
15 the world, and we can provide the U.S. with most
16 all of its steel needs that a modern industrial
17 economy would need. However, unfair steel
18 imports from China have long caused serious
19 damage to our industry and inhibit our ability to
20 compete with government subsidized imports.

21 As USTR detailed in its Section 301
22 report, these imports from China have been fueled

1 by Chinese government policies, including Made in
2 China 2025 and unfair trade and other practices
3 by Chinese government. CMC is pleased that the
4 U.S. government is seeking to address these
5 unfair practices through the imposition of an
6 additional 25-percent duty on the list of Chinese
7 origin products. However, we do request that
8 USTR also include fence posts on the list of
9 Chinese origin products to be subject to the
10 duty.

11 According to the official statistics
12 maintained by USITC, imports from China under
13 this code accounted for nearly \$1.4 billion in
14 2017. These imports have had a devastating
15 effect on U.S. manufacturers and their workers.
16 We estimate that, currently, the Chinese origin
17 fence posts have increased by 82 percent since
18 2009 and command over 20 percent of the U.S.
19 market today.

20 USTR has explained that these products
21 on which Section 301 duties are being imposed is
22 dependent upon a number of factors. First, the

1 duties will be imposed on products that have
2 benefitted from Chinese industrial government
3 policies. For decades, the Chinese steel
4 industry has benefitted from policies of the
5 government, including numerous five-year plans
6 specific to the steel industry and the Made in
7 China 2025 which addresses the steel sector in
8 the technology roadmap for Made in China 2025
9 priority sectors. Thus, steel fence posts, like
10 other steel products, are a strong candidate for
11 inclusion on the Section 301 duties.

12 At the same time, additional duties on
13 these products are not likely to cause
14 disruptions in the U.S. market as there are
15 multiple U.S. sources and alternative non-Chinese
16 import sources for these products. CMC and four
17 other manufacturers produce these fence posts in
18 the United States today. There are also
19 significant imports under this code from other
20 trading partners, including Mexico, Canada,
21 Germany, Japan, Taiwan, Korea, and Malaysia.

22 CMC is also not aware of any other

1 legal or administrative constraints affecting
2 this tariff line. Therefore, we request that
3 USTR add steel fence posts to the list of Chinese
4 products subject to the 25-percent duty.

5 Unfair imports of these products from
6 China have had a significant effect on CMC's
7 profitability, employment, ability to invest,
8 and, in response to a flood of imports since
9 2008, CMC has been forced to close 30 locations
10 and reduce our workforce by 4,000 jobs. Imports
11 have also adversely affected our ability to make
12 new investments, causing us to put expansion
13 plans on hold.

14 We cannot allow China's industrial
15 plans, technology transfer policies, cyber-
16 enabled theft, and illegal government subsidies
17 to cause further injury to U.S. manufacturing.
18 CMS greatly thanks USTR and the other government
19 agencies involved in the Section 301 for taking
20 steps to address China's unfair trade and related
21 practices.

22 We respectfully request that USTR add

1 steel fence posts classified under HTS Number
2 73269086 to the list of products subject to the
3 Section 301 duty. On behalf of CMC and our more
4 than 7,000 American workers, we thank you.

5 MR. BISHOP: Thank you, Mr. Milligan.
6 Our next witness is Charlie Murrah of Southwire
7 Company, LLC. Mr. Murrah, you have five minutes.

8 MR. MURRAH: Good morning and thank
9 you for the opportunity to testify. My name is
10 Charlie Murrah, and I'm the President of the
11 Power Systems and Solutions Group at Southwire
12 Company. Southwire is North America's leading
13 manufacturer of wiring cable used in the
14 transmission and distribution of electricity.
15 Southwire is a family-owned business located in
16 Carrollton, Georgia. Over 7500 employees, more
17 than 2500 people work at seven U.S. facilities
18 located in six states where Southwire
19 manufacturers products that are affected by the
20 gaps in the 301 list.

21 Southwire manufactures a central
22 component of the U.S. electric grid: electric

1 cables, including high-voltage bare aluminum
2 cables classified under HTS 7614 and medium-
3 voltage insulated aluminum cables classified
4 under HTS 8544.60. In order to protect U.S.
5 national security and ensure the dependability of
6 the electric grid, Southwire requests the
7 addition of these two products to the 301 list.

8 As the Department of Commerce noted in
9 its Section 232 report, aluminum transmission
10 cables power the nation, delivering electricity
11 from power-generation facilities across long-haul
12 transmission grids for distribution at the
13 regional, state, and local level. These cables
14 are the very skeleton of the U.S. electric grid,
15 without which electricity would not be carried to
16 homes and businesses.

17 Commerce specifically recognized
18 Southwire as a major manufacturer of these
19 cables. Maintaining the U.S. production of these
20 cables ensures the security and reliability of
21 the nation's electricity grid.

22 While USTR included other types of

1 cables on the 301 list, it failed to include
2 high-voltage bare aluminum cables and medium-
3 voltage aluminum cables. As a result of this
4 omission, the scope of the tariffs imposed under
5 Section 301 contains a massive hole that Chinese
6 producers will exploit to gain further market
7 share at the expense of American producers.

8 Chinese manufacturers already pose a
9 substantial threat to the U.S. industry. Chinese
10 imports have increased and are sold at prices
11 that severely undercut U.S. prices. In our
12 confidential written submission, we demonstrate
13 how Chinese producers continually undersell
14 Southwire by substantial margins. As a result,
15 Chinese producers are capturing an increasing
16 share of the U.S. cable market.

17 The problem is further exacerbated by
18 the fact that the primary aluminum that Southwire
19 uses to produce cables is covered by the 232
20 measure, but the scope of 232 does not include
21 these cables in their finished form. As the sole
22 producer of aluminum rod used to manufacturer

1 cables, Southwire recognizes that U.S. primary
2 aluminum production cannot increase by enough to
3 fully meet the needs of the U.S. market.
4 Therefore, Southwire must import primary aluminum
5 to round out our supply needs.

6 Southwire purchases a majority of our
7 primary aluminum from domestic sources. Prices
8 in the U.S. have risen significantly as a result
9 of the 232 measure and the sanctions imposed on
10 Russian aluminum. Thus, while our costs have
11 risen, we largely remain unable to increase
12 prices because of the intense competition from
13 Chinese imports.

14 The hole in the scope of the Section
15 301 tariffs will encourage Chinese producers to
16 increase their low-priced shipments of finished
17 products, increase shipments combined with the
18 impact of the additional tariffs, and sanctions
19 on our raw material costs pose a threat to the
20 existence of a large portion of our business.

21 If this situation persists, Southwire
22 will likely be required to reduce our workforce

1 by as much as 35 percent or 2500 people.

2 Southwire will likely be forced to shutter all or
3 part of seven of our U.S. facilities in six
4 states.

5 The solution to the problem is simple:
6 we urge USTR to add high-voltage bare aluminum
7 cables classified under HTS 7614 and medium-
8 voltage aluminum cables classified under HTS
9 8544.60 to the list of products subject to the
10 Section 301 tariffs. USTR has already included
11 other cables on the 301 list, and we ask that
12 USTR keep those cables on the list.

13 Thank you for your time and attention
14 to this important matter. I'll be happy to
15 answer any questions you will have.

16 MR. BISHOP: Thank you, Mr. Murrah.
17 Our next witness is Gregory Owens of Sherrill
18 Manufacturing/Liberty Tabletop. Mr. Owens, you
19 have five minutes.

20 MR. OWENS: Good morning and thank you
21 for affording me the opportunity to come in and
22 testify before the committee. My name is Greg

1 Owens, and I am the co-founder and Chief
2 Executive Officer of Sherrill Manufacturing here
3 representing our company and our employees.

4 If you drive west from Boston to
5 Chicago on Interstate 90, you will pass by
6 abandoned factory after abandoned factory. If
7 you get off on New York Exit 33, you will arrive
8 in Sherrill, New York, former home of the iconic
9 flatware brand Oneida, what was at one time the
10 world's largest flatware factory back in the
11 1990s.

12 Factories started operations during
13 the Civil War. Like thousands of manufacturing
14 businesses across the rust belt, Oneida was
15 unable to compete with ever-lower prices coming
16 out of China. Despite efforts to streamline,
17 automate, and justify continued operations in any
18 way they could, there was simply no way to make
19 the math work, and they finally gave up in 2004.

20 Oneida once had 2500 manufacturing
21 employees at the Sherrill plant and it was, by
22 far, the largest employer in town, a town that

1 they literally built. The largest employer in
2 town now is a casino, and the biggest problems
3 are unemployment and the opioid crisis.
4 Sherrill, Oneida, New York was once known as the
5 silver city and now it seems like it's more
6 famous for the weekly meth bust.

7 The math is simple. Subsidized
8 commodity grids stainless steel coming out of
9 China was half the cost of the domestic steel in
10 the United States. With stainless representing
11 60 to 85 percent of the value of flatware
12 produced in China, even if the company achieved a
13 manufacturing cost of zero, they could still not
14 compete.

15 Sales were falling because other
16 brands who had abandoned manufacturing years
17 before were selling finished product made in
18 China to Oneida's competitors below their
19 manufacturing cost. Since the mid-1990s, China
20 has increased its share of the U.S. manufacturing
21 market from virtually nothing to now where they
22 represent 70 percent of all imports.

1 After the Oneida plant closure, Matt
2 Roberts and I decided to purchase the factory and
3 start Sherrill Manufacturing. We bought the
4 land, buildings, and all of the equipment inside.
5 Sherrill signed a short-term contract to provide
6 Oneida with a small amount of flatware products.
7 That initial contract has since expired, and
8 Sherrill Manufacturing is now an independent
9 company with our own brand, free from any non-
10 compete clauses. Our brand is Liberty Tabletop.

11 Our formula for fighting unfair
12 Chinese competition is to cut out all of the
13 middlemen and sell direct to the consumer via our
14 website and through Amazon. We also enjoy
15 substantial contract with the military through
16 GSA, and our business model is rounded out by
17 several OEM contracts that we have selling
18 flatware to other brands in the United States.
19 The low-cost business model of imports prohibits
20 us from participating in traditional retail with
21 brick and mortar stores, which still account for
22 the vast majority of sales in the U.S. market.

1 While the factory-to-table business
2 model leveraging our advantage by eliminating
3 massive middlemen markups has allowed us to grow
4 our internet sales, we are starting to see
5 another threat. Companies in China are now using
6 the tooling or the molds that they use to supply
7 other American brands and have started production
8 of their own brands, selling direct on platforms
9 like Amazon. The new China direct brands are
10 also starting to show up in stores. The
11 technology and the flatware designs now
12 transferred by the American companies has
13 rendered the American IP largely unprotected.

14 Production at our factory was once in
15 excess of \$150 million per year. This year, due
16 to this foreign competition, we will be slightly
17 over \$2 million. We would like to change that.
18 This is why we are submitting our petition to
19 have flatware imported under harmonized codes
20 821520 and 821599 included in the list of items
21 to be levied at a 25-percent duty. This will be
22 a significant factor in leveling the playing

1 field for our company, allowing us to hire more
2 workers and regain market share lost over the
3 past several decades.

4 If the requested relief is granted,
5 perhaps we can fulfill our mission of making
6 Sherrill, New York the silver city once again.
7 Thank you for your time and your continued
8 efforts in the interest of American factories and
9 our workers.

10 MR. BISHOP: Thank you, Mr. Owens.
11 Our next witness is Brad Thompson of Columbia
12 Forest Products. Mr. Thompson, you have five
13 minutes.

14 MR. THOMPSON: Thank you. Good
15 morning. My name is Brad Thompson. I'm here
16 today as a representative of the Coalition for
17 Fair Trade of Hardwood Plywood. I am also the
18 president and CEO of Columbia Forest Products.
19 Thank you for the opportunity to testify today on
20 Chinese technology, intellectual property, and
21 innovation practices and to discuss why it is
22 imperative the U.S. imports of Chinese softwood

1 face plywood are added to the USTR's Section 301
2 list.

3 Our domestic coalition of hardwood
4 plywood manufacturers represents the vast
5 majority of production capacity in the United
6 States. It's member companies employ thousands
7 of workers at facilities across the country.

8 My company, Columbia Forest Products,
9 is the largest producer of hardwood and
10 decorative plywood in the United States. In
11 2017, we produced close to 400 million square
12 feet of plywood. We are proud to be an employee-
13 owned company. Our 2,000 owners work in eight
14 different states across the United States.

15 Only a few years back, the domestic
16 industry was near collapse due to unfair trade
17 practices from China. As a result, the coalition
18 filed anti-dumping and countervailing duty
19 petitions against the unfairly trade imports of
20 hardwood plywood from China in November of 2016.
21 Last December, the International Trade Commission
22 unanimously found the U.S. imports of Chinese

1 hardwood plywood were causing material injury to
2 the domestic industry. The commission found that
3 Chinese imports gained U.S. market share at the
4 expense of domestic industry, significant
5 underselling of Chinese imports, and that,
6 despite increasing U.S. demand, the domestic
7 industry production capacity, sales, and
8 employment were all in decline.

9 In January of 2018, the Commerce
10 Department finalized its orders imposing
11 significant duties on Chinese hardwood plywood,
12 more than 200 percent combined in dumping and
13 subsidy cases. The merchandise covered by these
14 orders is hardwood and decorative plywood, which
15 is largely used for interior purposes.

16 While the trade orders have benefitted
17 the domestic hardwood plywood industry, these
18 benefits are being eroded by Chinese
19 circumvention. The scope of the hardwood plywood
20 orders provided that in-scope merchandise has at
21 least one face made of hardwood. Even before
22 preliminary duties were imposed, Chinese

1 producers began to evade them by offering a new
2 product, interior plywood with face and back
3 veneers made of softwood, such as radiata pine.
4 This product was used for the same application as
5 in-scope merchandise but was developed
6 specifically to circumvent the anticipated AD and
7 CVD orders.

8 The result of this circumvention has
9 been a surge in U.S. imports of radiata pine and
10 other softwood species from China. To illustrate
11 the gravity of this situation, prior to the
12 filing of our trade case U.S. imports of Chinese
13 plywood with a face and back veneer of certain
14 softwood species, much of which is radiata pine,
15 totaled 40,000 cubic meters in 2016. After
16 current Commerce initiated our trade case, these
17 imports surged more than 500 percent, reaching a
18 staggering 230,000 cubic meters per year's end.

19 Now that orders are in place, Chinese
20 producers have become even more relentless. They
21 have moved up the value chain, saturating the
22 U.S. market with unfairly-traded softwood face

1 product at the direct expense of the U.S.
2 producers, U.S. workers and, more generally, the
3 U.S. economy.

4 In the first two months of this year
5 alone, Chinese imports of softwood species
6 exceeded 109,000 cubic meters, which is nearly
7 triple the volume that entered the U.S. market in
8 all of 2016. In other words, despite the
9 significant duties imposed on Chinese hardwood
10 plywood, the domestic industry is still losing
11 sales to heavily-dumped and subsidized Chinese
12 imports. This result is unacceptable. Neither
13 our companies, nor workers, can compete with
14 Chinese industry that refuses to play by the
15 rules and a government that supports them, nor
16 should we have to.

17 I'm here today to ask the USTR to add
18 HTS provisions for radiata pine and other
19 softwood-faced species to the list of tariff
20 lines to be covered by the agency's proposed
21 Section 301 tariffs on Chinese merchandise.
22 Doing so will have the benefit of targeting a

1 massively-subsidized Chinese industry and address
2 China's technology, intellectual property, and
3 innovation practices.

4 Adding these HTS provisions will also
5 address the circumvention of trade remedies and
6 benefit the U.S. economy overall. Thank you for
7 your time and attention.

8 MR. BISHOP: Thank you, Mr. Thompson.
9 Our next witness is Sheila Anderson of
10 Daktronics, Incorporated. Ms. Anderson, you have
11 five minutes.

12 MS. ANDERSON: Thank you for your
13 support of Daktronics and other American
14 businesses in your evaluation of Section 301. We
15 commend and agree with your efforts and the
16 administration's efforts to promote fair trade
17 with China. Specifically, if tariffs are
18 enforced or imposed, we ask you add tariffs to
19 Chinese imported LED display and messaging
20 systems and to the related modules and assemblies
21 used to create LED displays.

22 Daktronics is celebrating our 50 years

1 in business this year. We design, manufacture,
2 sell, and service digital display systems for
3 customers around the world. We are headquartered
4 in the great state of South Dakota and employ
5 over 2,700 people worldwide, of which 2,000
6 highly-educated and skilled employees reside in
7 the United States and are paid more than \$100
8 million in salaries and benefits annually.

9 Our display solutions are designed to
10 entertain and inform audiences. We strive for
11 customers for life, and you may recognize our
12 systems in sports from facilities like the
13 Mercedes Benz stadium in Atlanta, Georgia, to
14 your alma mater university or to your local high
15 school, in entertainment venues like Times Square
16 and in Las Vegas or along roadways, at your
17 favorite national or local retailers or
18 convenience stores, in malls, and in many other
19 locations.

20 Our annual revenues average about \$600
21 million with about 85 percent of those sales
22 derived in the U.S. We reinvest approximately

1 five percent of those revenues into product
2 development annually and make continuous
3 improvements to our production and service team
4 processes to build capabilities through people,
5 equipment, facilities, and improvements.

6 We, Daktronics, are one of the few
7 full-service firms left in the United States in
8 the digital display system business. We have
9 watched our industry change over the past 20
10 years, becoming more like the solar panel and
11 television industries. Little, if any, of those
12 technologies are designed or built in the U.S.
13 today. It's all off-shored, causing U.S. workers
14 and innovators to lose.

15 Other domestic producers of LED
16 displays have left the U.S. while Chinese imports
17 of LED displays continue to rise. We estimate
18 that, roughly, \$400 million of the nearly \$1
19 billion Chinese annual exports come into the
20 United States. And while healthy competition
21 strengthens the industry, unhealthy and unfair
22 competition leads to a disadvantaged market

1 participant.

2 For example, U.S. companies are paying
3 for the problems generated in China. End users,
4 from sports facilities to main streets, are being
5 misled by Chinese importers and representatives
6 who tout made in the USA with little to no U.S.
7 value-added components, content, or production
8 performed by U.S. workers.

9 Often, the Chinese products encounter
10 performance issues, display quality issues, and
11 are non-compliant to other U.S. regulatory
12 standards. These problems are discovered long
13 after all the payments are made to the Chinese
14 company, who then is no longer reachable or
15 available for customer concerns or points the
16 customer back to the U.S. distributor for
17 recourse.

18 The cost to fix product performance or
19 to remediate non-compliance are born by the U.S.
20 end users and distributors and integrators. U.S.
21 businesses have little or difficult recourse
22 against the Chinese manufacturers through the

1 U.S. court system. It also seems the Chinese
2 market has created excess capacity and is dumping
3 some of that excess into the U.S., lowering
4 prices along with quality and reliability
5 expectations.

6 To improve fair trade for U.S.
7 companies, we ask and are advocating for the
8 harmonized tariff codes for LED video and display
9 screens, the main assemblies of LED product
10 panels, and LED display modules be added to the
11 301 tariff listing. I've included those codes in
12 my written testimony.

13 On the flipside, the components and
14 materials we use to build our products come from
15 both U.S. and international sources, including
16 China. We recommend removing the following from
17 the 301 tariff list, as we do not have a viable
18 non-Chinese sourced components. They include
19 85414020 for light-emitting diodes which you'll
20 hear from one of our suppliers, Cree, later
21 today. Tariffs on these items would create a
22 cost disadvantage to us and to other U.S.

1 manufacturers of display systems as base
2 materials, like LEDs, are used in the
3 manufacturing processes. Chinese companies
4 generally don't import these base materials but,
5 rather, would import completed modules,
6 assemblies, or displays, as described in the HTS
7 items we are asking to have included in the 301
8 codes.

9 Creating fair trade is complex and may
10 not be solvable with just one action. In
11 addition to HTS codes, we support your reviews of
12 other trading issues and fair trade agreements.
13 We ask for trade compliance enforcement. We
14 believe that importers from China use HTS codes
15 which are not to the specificity and accuracy
16 required and ask our import agencies to enforce
17 these regulations. If enforcement is not
18 possible, we would ask for shorter codes or other
19 codes also be included in the 301 tariff,
20 including Section 85, and those are listed in our
21 testimony.

22 Another aspect of fair trade includes

1 that intellectual property protection --

2 MR. BISHOP: Ms. Anderson, your time
3 has expired, if you could wrap up for us, please.

4 MS. ANDERSON: We support your efforts
5 to protect intellectual property. Thank you for
6 your continued support and taking actions to
7 improve U.S. trading environment. We request you
8 to continue to work on trade agreements, apply
9 tariffs to imported LED display and messaging
10 systems, and monitor and enforce trading
11 practices. Thank you for promoting U.S. economic
12 and the innovative environment to support long-
13 term prosperity. Thank you.

14 MR. BISHOP: Thank you, Ms. Anderson.
15 Our final witness on this panel is Douglas Wagner
16 of the International Imaging Materials,
17 Incorporated. Mr. Wagner, you have five minutes.

18 MR. WAGNER: Good morning. Imposing
19 tariffs on thermal transfer printing ribbons,
20 known as TTR under sub-headings 3702.39, 3702.42,
21 3702.44, and 9612.10 of the harmonization tariff
22 schedule of the United States, imported from

1 China will help reduce the negative impacts on
2 acts, policies, and practices occurring in China
3 have on the United States.

4 International Imaging Materials, known
5 as IIMAK, is located in Amherst, New York just
6 outside of Buffalo. We have 400 employees in the
7 U.S. Our primary product is TTR.

8 TTR is a consumable used to print
9 variable information, including barcodes or date
10 information, on labels, packaging, or other
11 media. TTR is used in many industries and in
12 most countries. IIMAK and another domestic
13 company are the only manufacturers of TTR from a
14 list of large and small global competitors that
15 produces the ink and coats the ink on polyester
16 film exclusively in the U.S.

17 Over the last four years, we believe
18 that \$20 million annually of TTR representing
19 approximately 25-percent market share of the TTR
20 wax category is imported into the U.S. directly
21 by Chinese companies and is sold well below
22 market prices. To facilitate the exporting of

1 Chinese-produced TTR to the U.S., we believe that
2 the government of China provides subsidies to
3 these Chinese TTR manufacturers through low-cost
4 or no-cost loans and significant export
5 incentives. These subsidies are negatively
6 impacting IIMAK, our employees, as well as the
7 suppliers and contractors we do business with in
8 the U.S.

9 In addition, during 2008, the Commerce
10 Department imposed an anti-dumping duty order on
11 polyester film known as PET imported from China.
12 PET is the major raw material component in the
13 manufacture of TTR. Chinese companies are
14 circumventing the anti-dumping duty order by
15 coating the PET film in China with ink and then
16 importing the coated film, i.e. the TTR, using
17 the harmonization codes noted above and selling
18 these products in the U.S. at below market
19 pricing.

20 Furthermore, our non-Chinese global
21 competitors can purchase this Chinese-produced
22 PET film, coat the PET film in the resident

1 country, and then import TTR into the U.S.,
2 facilitating the Chinese PET film supplier's
3 ability to circumvent the anti-dumping duty
4 order. Imposing tariffs on TTR imported from
5 China will help alleviate the negative impact
6 that the subsidies from the government of China
7 are creating in the U.S., as well as reduce the
8 amount of the circumventing occurring related to
9 the anti-dumping duty order in the U.S. for
10 Chinese-imported PET film.

11 And as much as we would appreciate the
12 25-percent duty being imposed for TTR imported
13 from China, we respectfully request the duty be
14 increased to up to 80 percent to be in alignment
15 with the existing anti-dump duties of polyester
16 film currently in place. With such duties in
17 place, this should stop or at least slow down the
18 below-market selling practices of Chinese TTR
19 manufacturers, as well as stop or slow down the
20 circumventing of the existing duties on polyester
21 film.

22 As CEO of IIMAK and on behalf of the

1 employees, our key stakeholders and shareholders,
2 I'd like to thank you for the opportunity to be
3 here and to be heard.

4 MR. BISHOP: Thank you, Mr. Wagner.
5 Mr. Chairman, that concludes direct testimony
6 from this panel.

7 MS. HOWE: The first question is for
8 Brad Thompson. So you state in your testimony
9 that Chinese plywood suppliers have begun to
10 circumvent the AD CVD orders. How do you see
11 that these proposed tariffs on plywood products
12 would address this problem?

13 MR. THOMPSON: Well, in specific, the
14 product now being manufactured in China is a
15 radiata pine panel which is slightly different in
16 terms of species but used in the exact same
17 applications, so they're taking advantage of some
18 language and we believe that a tariff on this
19 product which does not currently fall under the
20 anti-dumping language would help U.S. industry.

21 MS. HOWE: But on the plywoods that
22 are already covered on the AD CVD, would the

1 proposed tariffs address the circumvention on the
2 plywood that --

3 MR. THOMPSON: Yes, yes, yes.

4 MR. BLAHA: Thank you. This question
5 is for Mr. Milligan, Commercial Metals Company.
6 You had made some reference to the growth in
7 imports from China on these products. Do you
8 have a sense of the U.S. market and what kind of
9 share China has right now?

10 MR. MILLIGAN: Yes. If you go back to
11 2009, China had basically no market share of this
12 product in the U.S. Since that time, it has
13 grown to slightly over 20-percent market share
14 that we share today or that they have today.

15 MR. BLAHA: Thank you. And do they
16 ship a lot to other markets, do you know, or is
17 the United States a primary destination?

18 MR. MILLIGAN: I'm not aware of other
19 markets that they ship to, but I'm sure they do.
20 China ships, exports product all over the world.
21 I can't say definitively where they ship to, but
22 they do ship product all over the world.

1 MR. BLAHA: Thank you. And you
2 referenced that there were a few U.S. companies,
3 as well as other foreign suppliers, that could
4 produce this product. Do you have a sense of how
5 fast capacity or production could be increased?
6 Is there anything distinctive about this product
7 or products from China that would complicate
8 that?

9 MR. MILLIGAN: There's more than ample
10 capacity today here in the U.S. There are four
11 other producers other than Commercial Metals
12 Company, and we're not running at capacity
13 utilization levels today. Our capacity is
14 running in the 60-percent range. And we are also
15 in the process of building a new facility which
16 is a very highly technological automated facility
17 which will increase our productivity and
18 competitiveness in the market. So very quickly.

19 CHAIR BUSIS: Mr. Murrah mentioned the
20 fact of the 232 duties. Do you have face the
21 same situation where the raw material was covered
22 by the 232 duties but not your product?

1 MR. MILLIGAN: No, that is not
2 correct.

3 CHAIR BUSIS: So which part is not
4 correct?

5 MR. MILLIGAN: We are covered. The T
6 post is covered by the 232.

7 CHAIR BUSIS: Okay. And so you think
8 additional duties on top of the 232 would be
9 helpful?

10 MR. MILLIGAN: Yes. I mean, the 232,
11 as we've seen it today, it's not known what the
12 future is for that. It could be changed
13 tomorrow. There's been waivers granted. There
14 are being exclusions granted as we speak. So we
15 feel like there is no long-term protection over
16 what has really evolved as China's ability to
17 move into the U.S. and take over markets.

18 MR. SECOR: My question is for Ms.
19 Anderson. Are you aware whether LED display
20 screen or the industry is a sector covered under
21 one of China's industrial policies and assisted
22 by the Chinese state?

1 MS. ANDERSON: I believe it is under
2 China 2020, the electronic industry including LED
3 technology. So a factor of the LED technology
4 helps the display industry.

5 CHAIR BUSIS: Ms. Anderson, could you,
6 it would be helpful to clarify do you produce
7 goods for, like, for retailers and public venues
8 or do you produce an intermediate product that
9 goes into the displays?

10 MS. ANDERSON: We produce the
11 displays. There's a lot of components that go
12 into a display, so in our manufacturing
13 facilities in South Dakota and Minnesota, we will
14 assemble and have all the creative engineering
15 talent from electrical engineers, mechanical
16 engineers. We have a lot of software components
17 that go into the whole system, as well.

18 So if you think of the Mercedes Benz
19 Stadium, if you look at during the play, you'll
20 see all the LED screens and the halo scoreboards,
21 the messaging systems that come up as you walk
22 into the facilities. For retailers and

1 throughout malls, we might be working with a mall
2 retailer or with the specific brands, as well.
3 The person that we're selling to depends. It's
4 broad.

5 CHAIR BUSIS: And do you have a sense
6 on the impact on your buyers, what would happen
7 if the duties were imposed on the Chinese good?
8 Would their cost go up by 25 percent, or how do
9 you think we can --

10 MS. ANDERSON: Yes. We believe, as
11 well, that we would be on a lot more level
12 playing field if those Chinese-imported goods
13 would be then at a fairer price comparison.

14 MR. MILLIGAN: Can I correct my
15 original statement? I apologize.

16 MR. BISHOP: Could you please identify
17 -- could you please identify yourself?

18 MR. MILLIGAN: Billy Milligan,
19 Commercial Metals Company. I think the question
20 was was the raw material covered under the 232.
21 There's really two distinct segments. So there's
22 the manufacturing the raw steel itself, which is

1 covered under the 232, but the fence post itself
2 is a fabricated product which is not covered
3 under the 232. Sorry. I just wanted to clarify
4 that.

5 CHAIR BUSIS: Thank you.

6 MR. SULEWSKI: Hi, this is Adam
7 Sulewski, DHS. This question is for Mr. Wagner
8 with the International Imaging Materials. You
9 stated in your testimony that Chinese TTR
10 suppliers are circumventing anti-dumping duty
11 order. Having previously served in a previous
12 role with anti-dumping countervailing duties,
13 it's a subject that is very important to me.

14 How are adding TTR products to the
15 proposed tariff list going to address this
16 problem? Can you expand on that?

17 MR. WAGNER: Yes. Thanks for the
18 question. They're circumventing the anti-dump.
19 The base material for thermal transfer ribbon is
20 polyester film. Polyester film coming into the
21 United States is subject to anti-dumping duties
22 up until 80 percent, therefore making it

1 prohibitive for companies like ours to be able to
2 access that film from China.

3 The Chinese companies, in order to
4 penetrate the U.S. market and bring that film in,
5 if you put any kind of material or coating on
6 that raw material, so if you put a top coat that
7 could be aqueous based or solvent based and a
8 back coat on, then by putting those layers on the
9 raw material, they can then bring the finished
10 material, the TTR, into the United States duty-
11 free. Does that help?

12 MS. PETTIS: This is Maureen Pettis
13 from the Department of Labor. This is a question
14 for Mr. Owens. Are you aware whether flatware is
15 a sector covered under one of China's industrial
16 policies?

17 MR. OWENS: I am not aware. I would
18 doubt it because it's a sector that they
19 dominate. They've gone from basically nothing to
20 70 percent of the market, with Vietnam
21 representing basically the rest.

22 MS. PETTIS: You're talking about the

1 worldwide market?

2 MR. OWENS: The U.S. market based on
3 import statistics.

4 MS. PETTIS: Thank you. I have also
5 a quick question for Ms. Anderson. You had,
6 your written testimony, you say that --

7 MR. BISHOP: Could you stick with your
8 microphone, please? Thank you.

9 MS. PETTIS: I'm sorry. I'm trying to
10 read. My glasses. You asked for a trade
11 compliance enforcement on some particular goods,
12 and I was wondering if it has to do with
13 electrical safety issues, electronic safety
14 issues that you're talking about in terms of
15 compliance.

16 MS. ANDERSON: It's actually more of
17 the emission standards that are provided by the
18 displays.

19 MS. PETTIS: Okay. Thank you.

20 CHAIR BUSIS: Mr. Owens, the last
21 panel we had some representative of retailers and
22 they made the comment that increased tariffs on

1 certain consumer goods would hurt retailers. How
2 would you respond to that kind of concern of
3 retailers about, for example, the tariffs on
4 flatware?

5 MR. OWENS: Well, our business model
6 is a factory-to-table business model, so we sort
7 of circumvent traditional retail by going direct
8 to the customer at competitive prices. I
9 benchmark against all the major retailers. So if
10 we were to receive some protection and be able to
11 increase the amount that we're selling into the
12 marketplace, build a bigger factor, your fixed
13 overhead costs go down, my costs goes down, I
14 could actually afford to lower the prices and
15 gain market share. That would be at the expense
16 of some brick and mortar stores, but to the
17 American consumer it would be a pretty good deal.

18 MS. HOWE: This question is for Mr.
19 Murrah. So how large is the U.S. market for
20 China's aluminum wire exporters, and can they
21 ship the same products to other markets?

22 MR. MURRAH: Well, the U.S. cable

1 market for the energy power grid specifically is
2 well over a billion dollars, so a very
3 significant market available to the Chinese. And
4 while there are nuanced specifications around the
5 globe, the cable products are portable such that
6 with little modification they can be applied to
7 other markets. So there are other homes for
8 those products around the globe today that are
9 coming into the United States.

10 CHAIR BUSIS: Could you also address
11 the flipside of that question, which is if duties
12 are imposed on Chinese wire what the effect would
13 be on U.S. utilities and whether your company and
14 other U.S. companies could pick up the demand or
15 pick up the supply?

16 MR. MURRAH: Right. There's no
17 question that the Chinese presence in the U.S.
18 market has grown over the last several years.
19 Southwire, in particular, we've been in business
20 serving electric utilities since 1950. In fact,
21 better than 50 percent of the conductor on the
22 U.S. electric grid today is Southwire product.

1 And we and other manufacturers are in a position
2 today to absolutely handle 100 percent of U.S.
3 utility and municipality demand for aluminum
4 cable products.

5 MR. BISHOP: We release this panel
6 with our thanks, and we invite our next panel to
7 come forward and be seated, please.

8 (Whereupon, the above-entitled matter
9 went off the record at 10:39 a.m. and resumed at
10 10:41 a.m.)

11 MR. BISHOP: Would the room please
12 come to order? Mr. Chairman, our first witness
13 on this panel is Ambassador Karan Bhatia of
14 General Electric Company. Mr. Ambassador, you
15 have five minutes.

16 AMBASSADOR BHATIA: Good morning. GE
17 is one of America's largest exporters and
18 employers and a global leader in high tech
19 manufacturing. We employ more than 100,000
20 workers in approximately 160 manufacturing
21 facilities across the United States, supporting
22 an additional 20,000 U.S. suppliers and

1 approximately a million jobs in this country.

2 We export 60 percent of the products

3 we make here to customers around the world.

4 We've long supported free and fair trade with

5 open access to markets here and abroad, and we

6 support the administration's goal of promoting a

7 level playing field for international trade.

8 We do hope the important issues at

9 issue in this proceeding can be resolved without

10 ultimately resorting to tariffs by either side.

11 But should tariffs ultimately be imposed by the

12 President, we urge that they be implemented in a

13 manner consistent with the stated goals of the

14 Section 301 investigation; namely, maintaining

15 the United States' position as a world leader in

16 high technology goods, strengthening the

17 competitiveness of U.S. exports, and creating

18 American jobs.

19 And toward that end, we urge the

20 administration to apply the following three

21 cross-cutting criteria to reviewing any request

22 you may receive for product exclusions from the

1 tariffs and in finalizing the list of products to
2 which tariffs could be applied.

3 First, exclude inputs that are intra-
4 company transfers from facilities in China that
5 are owned and controlled by U.S. manufacturers.
6 These owned-and-controlled U.S. investments in
7 China are not the source of the problematic
8 issues cited in the 301 report, and putting
9 tariffs on the parts they produce will not hurt
10 Chinese businesses or sway Chinese decision-
11 makers. Rather, they hurt U.S. companies that
12 own these facilities, as well as the U.S. workers
13 and suppliers who rely on these parts from China
14 to make world class products in the United
15 States.

16 Second, exclude inputs that cannot be
17 quickly replaced. For some specialized
18 industrial parts, alternative suppliers outside
19 China are simply not readily available due to
20 global capacity constraints, rigorous quality
21 control and compliance requirements for suppliers
22 of critical infrastructure equipment, or, in some

1 instances, the need for U.S. regulatory
2 approvals.

3 Even with heavy tariff pressures,
4 these inputs just cannot be readily moved to a
5 new supplier outside China. Without alternative
6 sourcing options, the imposition of tariffs would
7 disrupt manufacturing operations and hand our
8 foreign competitors a comparative advantage in
9 both the U.S. and international markets.

10 And third, exclude inputs containing
11 high U.S. content. A significant number of GE
12 imports from China contain high U.S. content.
13 For example, some of our aviation parts contain
14 roughly 50 percent of content by value. And
15 putting tariffs on parts like this would hurt
16 both the U.S. companies that make those initial
17 components, as well as the GE plants and workers
18 who turn the imported parts into final products.

19 Our written comments detail which
20 specific imports used by GE business units at the
21 ten digit code level meet these exclusion
22 criteria, but let me provide just one example of

1 the harm this could cause workers and suppliers
2 here.

3 Our healthcare business employs 6,000
4 works at Wisconsin facilities producing high tech
5 medical equipment, such as MRI machines. While
6 the vast majority of the parts that we use in our
7 U.S. plants are made in the United States, we do
8 import certain parts which contain high levels of
9 U.S. content from our wholly-owned GE factories
10 in China.

11 About 75 percent of the equipment we
12 produce in the United States goes to U.S.
13 hospitals and other facilities that face
14 stringent cost containment pressures, and about
15 25 percent of those machines, or about \$1.8
16 billion worth, are exported around the world,
17 including to a growing market in China.

18 Due to our stringent quality and
19 sterilization requirements, we estimate it would
20 take well over a year to find new suppliers of
21 these inputs outside China. And until new
22 suppliers could be identified and meet the

1 rigorous requirements to join our supplier
2 network, the proposed 25 percent tariff would be
3 an added cost that our international competitors
4 just don't face.

5 Those are the kinds of imports that we
6 propose be excluded from the proposed tariff
7 list. To be clear, many of the proposed tariffs,
8 1,000 of the 1,300 targeted HTS lines, would
9 impact GE in some way.

10 But our request for adjustments is
11 limited to those few products, 34 in all, that
12 should be removed because tariffs would impose
13 significant and disproportionate costs on U.S.
14 businesses, workers, and consumers without
15 advancing, and even potentially undermining, the
16 present goals pursuant to the 301 report.

17 Finally, we would urge that duty
18 drawback be available for any product subject to
19 the Section 301 tariffs. GE, like many U.S.
20 manufacturers, competes around the world against
21 tough global rivals. Duty drawback must be
22 available to allow U.S. exporters to compete

1 effectively in global markets.

2 That concludes my testimony. Thank
3 you.

4 MR. BISHOP: Thank you, Ambassador.
5 Our next witness is Jonathan Davis of SEMI. Mr.
6 Davis, you have five minutes.

7 MR. DAVIS: Thank you very much, Mr.
8 Chairman, members of the Committee. I'm Jonathan
9 Davis, Global Vice President of Advocacy for
10 SEMI.

11 I've been in the industry for about 30
12 years and I truly believe that semiconductors are
13 critical and important to our economy and our way
14 of life. Semiconductors are essentially the
15 brains of all electronic systems, and they've
16 made possible countless products on which we rely
17 for business, communication, transportation,
18 healthcare, entertainment, virtually all
19 activities of modern human endeavor.

20 For 47 years, SEMI has served as the
21 global electronics manufacturing industry
22 association, with more than 2,000 member

1 companies worldwide, including 400 American
2 companies.

3 SEMI represents the full range of U.S.
4 semiconductor technology companies, including
5 chip designers, equipment makers, materials
6 producers, and subcomponent suppliers. Our
7 member companies are the foundation of the \$1.5
8 trillion electronics industry. This vital supply
9 chain supports 350,000 high skilled, high wage
10 jobs across the United States.

11 Fundamentally, intellectual property
12 is the cornerstone of our industry. SEMI
13 members, on average, spend up to 15 percent --
14 over 15 percent in many cases -- of their
15 revenue, or more than \$20 billion annually, on
16 R&D to remain competitive and enable ever-
17 increasing innovation. Companies that provide
18 semiconductor manufacturing technology support
19 this activity through trade.

20 The industry relies on complex and
21 expansive supply chains that traverse the globe.
22 Components are made all around the world, brought

1 together, assembled into subsystems, which are
2 integrated into a larger tool which is used in
3 the chip making process. Each of these steps
4 could happen in a different country, but almost
5 always with an American company's involvement.
6 Because of this, the proposed tariffs could
7 impact our U.S. members in an exponential
8 fashion.

9 The United States is a global leader,
10 producing more than 46 percent of the
11 semiconductor equipment used by chip makers
12 worldwide. Over the last 15 years, U.S.
13 companies in this sector have exported, on
14 average, more than 80 percent of what is produced
15 domestically.

16 The hallmark of our industry is we
17 make it here and we sell it abroad. It's because
18 of this dynamic that the United States has long
19 held a trade surplus in semiconductor equipment.
20 In 2017, the U.S. surplus totaled \$8.7 billion.
21 And looking just at China, the United States had
22 a \$1.9 billion surplus last year, a figure that's

1 more than tripled in the last five years and is
2 continuing to grow.

3 By sector, our industry holds one of
4 the largest trade surpluses. And with that in
5 mind, we believe that the imposition of a 25
6 percent tariff would be extremely harmful. More
7 than 100 total lines of the proposed tariff list
8 directly impact the semiconductor supply chain,
9 and I've included those in my written statement.

10 These tariff lines cover products that
11 are critical components of the semiconductor
12 manufacturing process effectively enabling this
13 industry and many others that depend on it. We
14 request these tariff lines be removed from the
15 proposed Section 301 action.

16 If implemented as proposed, these
17 tariffs would cost tens, if not hundreds, of
18 millions of dollars annual in additional taxes
19 and lost revenue owing to reduced exports. We
20 believe that this will expand the U.S. deficit,
21 threaten future growth, and not solve our
22 legitimate and longstanding concerns with China.

1 We also worry about the impact of
2 further tariffs with China. Certain chemicals
3 produced by SEMI member companies were marked as
4 part of China's retaliatory tariffs. We're very
5 concerned that, should this situation escalate,
6 more of our member companies products will be
7 hit, stunting U.S. innovation and fundamentally
8 altering the development of advanced technologies
9 in their favor for the foreseeable future.

10 In closing, we support efforts to
11 ensure that we compete on a level playing field,
12 but we can't simply cut off our ability to tap
13 into foreign markets. Trade is critically
14 important to the continued success of the
15 semiconductor industry.

16 These tariffs will inflict unintended
17 damage, stifle American innovation, increase
18 prices, threaten longstanding U.S. leadership in
19 a critical technology capability, and put
20 thousands of U.S. jobs at risk. Thank you, I
21 look forward to answering your questions.

22 MR. BISHOP: Thank you, Mr. Davis.

1 Our next witness is John Pfeifer of Mercury
2 Marine, a subsidiary of Brunswick Corporation.
3 Mr. Pfeifer, you have five minutes.

4 MR. PFEIFER: Good morning, Mr.
5 Chairman and members of the Committee. My name
6 is John Pfeifer, I am the President of Mercury
7 Marine, a Wisconsin-based global leader in the
8 development and manufacture of marine propulsion
9 systems for recreational and commercial
10 applications.

11 Mercury has been making marine engines
12 right here in America for over 75 years and
13 exporting them around the world. Mercury Marine
14 is the only manufacturer in America of four-
15 stroke marine engines, the industry standard.

16 Through investments in American
17 manufacturing, Mercury has grown and thrived. We
18 employ over 4,800 skilled American workers and
19 contribute billions of dollars every year to the
20 U.S. economy. Since 2009, we have invested over
21 \$1.2 billion to increase the capacity and enhance
22 the cutting edge technology of our United States

1 facilities, earning over 280 new patents in the
2 process.

3 While the vast majority of our
4 products are U.S. made, we do assemble smaller,
5 simpler 40-to-60 horsepower marine outboard
6 engine models at our wholly-owned facility in
7 Suzhou, China. While they are assembled in
8 China, these engines use many critical parts made
9 by our U.S. plants. And like our other products,
10 our U.S. engineers and craftspeople design these
11 engines right here in America.

12 These 40-to-60 horsepower marine
13 engines serve the price-sensitive and very
14 popular entry-level boating segment, providing
15 power to a large number of recreation boaters,
16 especially people involved in fishing and family
17 recreational activities.

18 These engines are also essential to
19 our global sales, where performance, value, and
20 reliability are important. They provide a vital
21 source of revenue to support Mercury's continued
22 investments in this country.

1 Our imports of these engines enter
2 under HTS subheading 8407.21.00. While the
3 details are confidential and in our written
4 comments, I can assure you publicly here today
5 that a very high percentage -- a very high
6 percentage -- of all imports of marine engines
7 from China in this category are ours, Mercury
8 Marine's, and are assembled from parts we design,
9 engineer, and make in the United States.

10 Given the importance of these engines
11 to our U.S. operations, our American workers, and
12 U.S. consumers, it would be tremendously harmful
13 if USTR were to impose a 25 percent tariff on
14 these products.

15 In fact, we forecast that the tariffs
16 would raise the average cost of a small
17 recreational boat by nearly \$2,000. This is a
18 huge price increase. In fact, in the past, we've
19 seen similar price jumps reduce demand by over 50
20 percent in a similar highly price-sensitive
21 segment of the market.

22 The consequences would be severe and

1 the impact of the tariff would hit not only
2 Mercury Marine sales, but those of U.S. boat
3 builders, retailers, and service professionals
4 and the tens of thousands of Americans employed
5 by these industries.

6 At the same time, the tariffs are
7 unlikely to have any meaningful impact on the
8 Chinese government policies highlighted in USTR's
9 Section 301 report.

10 Since its founding in 2003, Mercury's
11 China operation has been wholly-owned and
12 controlled by us, and has not been a target or a
13 recipient of any of the policies outlined in the
14 Section 301 report. We have not transferred or
15 licensed our technology or know-how to anyone and
16 have no intention of doing so.

17 The only beneficiaries of the tariffs
18 would be Mercury Marine's competitors, who are
19 based in Japan and manufacture elsewhere in Asia.
20 These competitors make competing marine outboard
21 engines in third countries. Their engines will
22 not be subject to the Section 301 tariffs because

1 their country of origin is not China. In fact,
2 they can and will continue to source parts and
3 components from China to use in their own engines
4 with absolutely no impact from the Section 301
5 tariffs.

6 The only ones who will pay the price
7 are Mercury Marine, its workers, and countless
8 downstream companies and consumers who rely on
9 our products. Tariffs on outboard marine engines
10 from China would be a classic case of the U.S.
11 shooting itself in the foot.

12 On behalf of my Mercury colleagues and
13 the 15,000 employees of our parent company,
14 Brunswick Corporation, we deeply appreciate the
15 opportunity to present these facts. While
16 Mercury Marine supports the policy goals of this
17 Section 301 action to provide a level playing
18 field for U.S. companies and all Americans, we
19 respectfully submit that the proposed tariffs
20 would have precisely the opposite of their
21 intended effect if applied to imports of marine
22 outboard engines from China.

1 The tariffs will reduce U.S. jobs,
2 hurt American consumers, and will not deter
3 China. Furthermore, Mercury Marine is a U.S.
4 company; this will hit us to the exclusion of
5 everyone else. Mercury will carry the full
6 weight and the full burden. Accordingly, USTR
7 should remove outboard engines from the proposed
8 Section 301 tariff list.

9 Thank you for your attention and I
10 welcome any questions that you may have.

11 MR. BISHOP: Thank you, Mr. Pfeifer.
12 Our next witness is Kyle Pitsor of the National
13 Electrical Manufacturers Association. Mr.
14 Pitsor, you have five minutes.

15 MR. PITSOR: Thank you. Mr. Chairman
16 and members of the Section 301 Committee, thank
17 you for the opportunity to provide the following
18 remarks on behalf of the National Electrical
19 Manufacturers Association on the proposed
20 determination of action pursuant to Section 301
21 to address China's acts, policies, and practices
22 related to technology transfer, intellectual

1 property, and innovation.

2 My name is Kyle Pitsor and I serve as
3 Vice President for Government Operations. NEMA
4 represents nearly 350 electrical equipment and
5 medical imagining manufacturers that account for
6 360,000 American jobs in more than 7,000
7 facilities across the United States. Our
8 industry produces \$106 billion in shipments per
9 year, with \$36 billion exported.

10 NEMA shares the concerns of the Office
11 of the U.S. Trade Representative regarding
12 China's industrial policies and intellectual
13 property practices. The outcomes of discussions
14 between the U.S. and China should assure a more
15 level playing field through the application of
16 clear, binding, and enforceable trade rules and
17 compliance with international norms of
18 intellectual property protection.

19 While some NEMA member companies
20 manufacture their own products in their own
21 factories in China, many others source finished
22 goods as well as components from contractual

1 partners in China. In particular, many companies
2 source components from China into the U.S. to
3 support their U.S. manufacturing operations.

4 Placing a 25 percent tariff on over
5 100 product types within or adjacent to NEMA's
6 product scope will not help support, and could
7 materially injure, the global competitiveness of
8 our industries, their manufacturing operations,
9 and their U.S. employment base.

10 We've estimated that the 2017 value of
11 China's shipments on the NEMA member list was
12 approximately \$9 billion, slightly less than one-
13 fifth of the entire \$50 billion of imports
14 targeted by the proposals.

15 Writ large, if 25 percent tariffs were
16 to be implemented as proposed, they would
17 represent a tax increase on U.S. electro-industry
18 companies and their customers of at least \$2.25
19 billion.

20 NEMA member products include equipment
21 used widely in industrial, commercial, and
22 residential environments. For example,

1 programmable logic controllers that run factory
2 lines in manufacturing facilities, certain types
3 of electric motors, controls that enable the more
4 energy efficient use of motors, light emitting
5 diodes that are used to manufacture energy
6 efficient lightbulbs and light fixtures, traffic
7 signaling and control equipment, transformers and
8 switch gear used in the electrical grid, electric
9 wiring cable, residential thermostats, and
10 medical imaging technologies, including CT, MRI,
11 ultrasound, and X-ray products.

12 There's a list of targeted products in
13 my testimony and also in our written comments
14 that we filed on May 11.

15 Should the administration decide to
16 proceed with the application of tariffs in this
17 matter, NEMA recommends any tariffs be applied
18 for as short a time as possible as a precursor to
19 a negotiated outcome that addresses the Chinese
20 practices outlined in the 301 report.

21 NEMA also urges the administration to
22 narrow the scope of the proposed tariff list so

1 it does not do disproportionate harm to U.S.
2 production manufacturers, including the exclusion
3 from the tariff list of, number one, inputs for
4 which non-Chinese substitutes are not readily
5 available or able to meet U.S. manufacturer or
6 federal standards. Secondly, inputs that come
7 from wholly-owned U.S. facilities within China,
8 since those reflect regular commercial decisions
9 rather than China's efforts to force technology
10 transfer, and the impact would disproportionately
11 hurt U.S. rather than Chinese business. And
12 thirdly, inputs from China that have a high
13 percentage of U.S. content.

14 In addition, inasmuch as NEMA member
15 companies export roughly one-third of their U.S.
16 production, it is critical that duty drawback be
17 available to exporters for any Section 301
18 tariffs so those tariffs do not undermine U.S.
19 product competitiveness in the global market and
20 do not harm the U.S. manufacturing base and their
21 employment.

22 In conclusion, the imposition of

1 broad-based tariffs is accompanied by collateral
2 damage up and down the global supply chain that
3 is better avoided. If tariffs are perceived by
4 the administration to be necessary, we would
5 request that the use of tariffs be on a much
6 narrower scope of products and very short-lived.

7 We look forward to further dialogue on
8 these proposals and urge the administration to
9 consider and pursue alternative measures to bring
10 about change to Beijing's strategic and
11 entrenched industrial and IP policies and to
12 establish free and fair trade. Thank you.

13 MR. BISHOP: Thank you, Mr. Pitsor.
14 Our next witness is Dylan Reed of Advanced Energy
15 Economy. Mr. Reed, you have five minutes.

16 MR. REED: Thank you to the members of
17 the Committee today. My name is Dylan Reed and I
18 represent Advanced Energy Economy. AEE and its
19 state partner organizations represent more than a
20 thousand companies that span the advanced energy
21 industry and its value chains. Altogether, we
22 represent over 50 different advanced energy

1 technologies and services, including energy
2 efficiency, natural gas, renewable energy, energy
3 storage, electric vehicles, fuel cells, and
4 nuclear power.

5 As a major business voice in the
6 United States, we speak today to express concern
7 over the proposed tariffs' impact on various
8 advanced energy technologies.

9 The advanced energy industry
10 represents a \$200 billion industry that supports
11 more than three million workers across the
12 country. The industry supports innovation in the
13 domestic energy resource mix and lower costs for
14 American businesses and households, as well as a
15 more reliable and affordable electric grid for
16 all Americans.

17 Advanced energy technologies and
18 services create and maintain a higher performing
19 energy system, one that is reliable, resilient,
20 diverse, and cost effective, while also improving
21 the availability and quality of customer-facing
22 services.

1 AEE commends the administration's
2 efforts to negotiate with China around unfair
3 trade practices. The advanced energy industry
4 supports a fair trade relationship between the
5 U.S. and China, allowing all industries,
6 including the advanced energy industry, to thrive
7 to the benefit of all Americans.

8 However, tariffs on advanced energy
9 technologies will adversely impact our industry
10 and the U.S. economy. Given the broad spectrum
11 of technologies that AEE represents, we have
12 concern about the significant impacts that
13 tariffs can have on the energy system.

14 The proposed tariffs include numerous
15 products that either directly or indirectly
16 impact the advanced energy industry, including,
17 but not limited to, thermostats, batteries,
18 electric vehicles, nuclear reactors, gas
19 turbines, wind-powered electric generating sets,
20 A/C generators of an output exceeding 750 KVA,
21 and building management systems. Many of our
22 members and technologies would be negatively

1 impacted by the imposition of tariffs on
2 essential elements of their supply chain.

3 AEE's written comments discuss our
4 concerns in detail, but today, I want to
5 highlight two examples. The first is smart
6 thermostats. The U.S. leads in this sector.
7 Chinese-based companies do not have a significant
8 U.S. market presence and tariffs will simply
9 serve to hurt the U.S. industry, consumers, and
10 utilities.

11 The proposed tariffs would put
12 significant upward pressure on prices for this
13 important consumer product and discourage their
14 adoption. This would hurt the U.S. companies
15 that lead this segment.

16 It would also hurt the families and
17 businesses that use smart thermostats to control
18 their energy consumption and reduce their monthly
19 energy bills. To the extent consumers are less
20 able to afford energy efficient smart
21 thermostats, it would also impair our nation's
22 energy productivity.

1 Further, the design and technology in
2 smart thermostats is developed in the United
3 States by highly skilled workers. The tariffs
4 would discourage further innovation in the U.S.
5 technology development of thermostats. It would
6 also hurt electric utilities, who in part through
7 programs are encouraging customers to install
8 these thermostats.

9 Lastly, tariffs would hurt the
10 thousands of retailers, as well as small and
11 medium sized customers and their contractors who
12 sell and install these thermostats.

13 My second example involves the impact
14 of tariffs on domestic manufacturing of electric
15 vehicles, which would be subject to additional
16 duties here. The imposition of duties on
17 products essential to domestic EV manufacturing
18 would negatively impact consumers of EVs,
19 including municipalities, harm expansion of
20 domestic manufacturing, and undermine existing
21 federally supported programs for the purchase of
22 EVs.

1 Finally, the threat of additional
2 retaliatory measures to combat unfair
3 international trade practices has introduced new
4 elements of risk into markets related to the
5 advanced energy industry. AEE respectfully
6 expresses concern today that future tariffs could
7 include a broader set of products, which would
8 only introduce more risk and negative economic
9 impacts to the industry.

10 We respectfully suggest that the
11 imposition of duties on advanced energy
12 technologies, such as smart thermostats, and
13 parts and products essential to domestic
14 manufacturing of electric vehicles, will not be
15 effective towards achieving the administration's
16 goals. Instead, we encourage the administration
17 to focus its efforts on the elimination of acts,
18 policies, and practices that are subject to the
19 301 investigation.

20 In conclusion, we support the effort
21 of the administration to renegotiate trade
22 policies toward a fair trade relationship, but

1 recommend that advanced energy technologies that
2 support domestic, reliable, and affordable energy
3 be removed from the list of products in the final
4 tariffs. We appreciate your consideration of our
5 perspective in this case. Thank you.

6 MR. BISHOP: Thank you, Mr. Reed. Our
7 next witness is Evi Christou of Dana Corporation.
8 Ms. Christou, you have five minutes.

9 MS. CHRISTOU: Good morning. My name
10 is Evi Christou, counsel for Dana Incorporated,
11 and I am here today to provide the statement of
12 Joseph Heckendorn, senior counsel for Dana. Mr.
13 Heckendorn's appearance was rescheduled for
14 today, rather than May 15th, and he was unable to
15 appear on this rescheduled date, so I will be
16 providing his statement.

17 Dana was founded in 1904 and is
18 headquartered in Maumee, Ohio. It is a global
19 provider of high technology drive-line products,
20 including axles, drive shafts, and transmissions,
21 and sealing and thermal management products
22 produced in the United States.

1 Dana's customer base includes
2 virtually every major vehicle manufacturer in the
3 global light vehicle, medium, and heavy vehicle,
4 and off-highway markets, as well as customers in
5 industrial and stationary equipment applications.

6 Dana respectfully requests that the
7 products it imports from China not be subject to
8 the additional duties proposed by USTR. Dana's
9 comments filed May 11th provide more detail into
10 the identity of these products and the reasons
11 for Dana's position.

12 Imposing duties on the products that
13 Dana imports from China would not be practicable
14 or effective to eliminate China's unreasonable
15 and discriminatory acts, policies, and practices
16 identified by USTR in its report in this
17 investigation.

18 And companies in China that supply
19 Dana are not the high tech product producers that
20 were identified in USTR's report and the products
21 they produce were not the products identified in
22 USTR's report. These suppliers and the products

1 they produce simply are not among those that
2 benefit from the Chinese government's acts,
3 policies, or practices identified by USTR as
4 being unreasonable or discriminatory and that
5 burden or restrict U.S. commerce.

6 However, imposing additional duties on
7 the products Dana imports from China would cause
8 disproportionate economic harm to U.S. interests,
9 including Dana, its customers, and other
10 businesses and consumers.

11 Imposing duties on the products Dana
12 imports from China will do substantial harm to
13 Dana. If prices on imported products rise 25
14 percent, or if Dana is not able to obtain the
15 products that it needs due to additional duties
16 being imposed, it will be unable to produce the
17 downstream products that use the imported inputs,
18 and, consequently, will be required to
19 discontinue its business entirely or shift its
20 production of its downstream products to another
21 country to import it. This would result in a
22 reduction of Dana's labor force in the United

1 States associated with its current U.S.
2 production.

3 Although, through considerable time
4 and effort, Dana is generally able to obtain a
5 domestic source for the component it needs,
6 imposing trade barriers on imported components
7 would require Dana to reorient its source of
8 supply, particularly if it uses a single source
9 of supply for the particular component, which is
10 often the case. This would cause significant
11 harm to Dana, because the automotive industry
12 requires certification of suppliers and the
13 process for gaining certification can take as
14 long as 18 months. Obviously, Dana will be
15 significantly handicapped if it must wait up to
16 18 months to obtain an alternative source of
17 supply for its components.

18 If Dana experiences a significant or
19 prolonged shortage, delay, or disruption of
20 critical components from any of its suppliers,
21 particularly those who are sole sources, and is
22 unable to timely procure components from U.S.

1 producers, it would be unable to meet its
2 production schedules for some of its key
3 products, and unable to ship such products to its
4 customers in a timely fashion.

5 This would adversely affect Dana's
6 sales, profitability, and customer relations, and
7 it would suffer operating inefficiencies. Due to
8 these certification requirements in the auto
9 industry, Dana requests that any measures imposed
10 as a result of this investigation be delayed for
11 18 months to take into account purchases within
12 the automotive industry.

13 Trade barriers imposed as a result of
14 this investigation will restrain supply, thereby
15 also raising component prices. Such a result
16 could adversely affect Dana if it is unable to
17 recover portions of commodity costs from its
18 customers. The cost of Dana's products may be
19 significantly impacted by changes in component
20 prices. An increase in duties will increase the
21 prices Dana pays for the imported component
22 parts. Such rising prices would interfere with

1 Dana's ability to compete against foreign
2 competitors of the products it produces in the
3 United States.

4 The additional duties will either put
5 a cost price squeeze on Dana or Dana will need to
6 pass along the cost of the additional duties to
7 its customers. Therefore, the duties also will
8 harm Dana's customers, who would need to pay a
9 higher price for the product it supplies to them
10 for their downstream products.

11 The duties could either drive Dana or
12 its customers to move production offshore or
13 cause Dana or its customers to lose business to
14 lower priced imports, especially from countries
15 that are not imposing additional 25 percent
16 duties on input items.

17 Thank you for your attention to these
18 issues. Dana submitted comments on May 11 that
19 more fully describe Dana's position on the
20 investigation. If you have any questions, I
21 would be happy to take them.

22 MR. BISHOP: Thank you, Ms. Christou.

1 Our final witness on this panel is Mark Maroon of
2 Maroon Group, LLC. Mr. Maroon, you have five
3 minutes.

4 MR. MAROON: Thank you. Good morning.
5 Thank you for holding this hearing and allowing
6 me to testify before the Section 301 Committee.

7 My name is Mark Maroon, Chief
8 Technology Officer of Maroon Group, LLC.
9 Briefly, Maroon Group is a distributor of
10 specialty chemicals and ingredients, based in
11 Avon, Ohio. Our company is comprised of several
12 regional operations focused on specific markets
13 and geographies. Maroon Group services customers
14 across multiple industries, including plastics,
15 paint, coatings, personal care, sealants,
16 adhesives, and other related industries.

17 Let me first state that Maroon Group
18 supports the overall findings of the Section 301
19 investigation and the affirmative determinations.
20 However, I am here to respectfully ask that you
21 reconsider the placement of a key product
22 necessary to our company and to our customers

1 that is on the proposed list of Chinese products
2 on which there will be a tariff increase.

3 Currently, the list includes products
4 covered under Harmonized Tariff Schedule
5 2932.99.61. Maroon Group's written submission of
6 May 11th provides more detail on this HTS
7 category and the products that fall under its
8 description.

9 For my company's purposes, the primary
10 product we sell under this category is a base
11 clarifier for polypropylene used in a wide
12 variety of application, including packaging for
13 consumer products, plastic parts for various
14 industries, including the automotive industry,
15 medical devices, and textiles.

16 Maroon Group is an importer and
17 distributor of sorbitol-based clarifier for
18 polypropylene, whose source is only located in
19 China. As you may know, there already exists a
20 6.5 percent duty on products covered by this HTS
21 category.

22 Adding an additional duty of 25

1 percent, thus bringing the total rate to over 31
2 percent, would effectively wipe out Maroon's
3 ability to sell and service its products in the
4 U.S. market. Our company would not be able to
5 deliver on existing contractual agreement with
6 certain key customers.

7 While we have been successful in
8 adapting and adjusting to the current duty rate,
9 the additional 25 percent would cripple our
10 future business arrangements and opportunities
11 for growth. Further, Maroon Group would suffer
12 irreparable reputational harm and almost
13 immediately lose between 5 and 10 million dollars
14 in annual revenue.

15 There is only one domestic source
16 available for us for the base clarifier we obtain
17 from China. However, it is our direct competitor
18 and, therefore, not an option. If the tariff is
19 implemented on this HTS category, Maroon Group
20 would effectively be knocked out of the U.S.
21 market.

22 This fact highlights another negative

1 impact should this HTS category not be removed
2 from the proposed list. This additional duty
3 will directly harm U.S. consumers and producers
4 who rely on base clarifiers in their
5 manufacturing process. By implementing a 25
6 percent duty, the U.S. government will
7 essentially cut off all competitive sources and
8 remove from the domestic market a quality base
9 clarifier offered at a consistent and competitive
10 price, and assurance of continuity of supply, as
11 domestic production is limited.

12 As a result, implementing a tariff of
13 25 percent on this HTS category will eliminate
14 all competition in the U.S. market and drive
15 prices up for base clarifiers and its end
16 products.

17 Again, while Maroon Group agrees that
18 China's unfair practices must cease, implementing
19 tariffs on this category will not achieve the
20 desired outcome the President seeks.

21 Imports from China of products under
22 this category are not excessive. In fact, in

1 2017, they were approximately \$10.3 million.
2 This is a relatively modest number when the
3 President is seeking retaliatory tariffs of 50
4 billion U.S. dollars, and it is likely to have no
5 meaningful effect or impact on China's behavior.

6 But this \$10 million in imports is
7 critical to Maroon Group and its customers. We
8 respectfully ask that the Section 301 Committee
9 remove this category from their proposed tariff
10 list. Thank you for your time today. I offer a
11 written copy of my oral testimony to the
12 Committee for your official record.

13 MR. BISHOP: Thank you, Mr. Maroon.
14 Mr. Chairman, that concludes direct testimony
15 from this panel.

16 CHAIR BUSIS: Thank you, Mr. Bishop.
17 Throughout this three-day hearing, the members of
18 the Section 301 Committee sitting on the
19 particular panel will change. For example, this
20 afternoon, the hearing will be chaired by other
21 members of the USTR Office of General Counsel.

22 At this time, I would like the current

1 composition of the Committee to introduce
2 themselves, starting with Adam.

3 MR. SULEWSKI: Hello. Adam Sulewski,
4 U.S. Department of Homeland Security, Office of
5 Policy.

6 MS. PETTIS: Hello. Maureen Pettis,
7 Department of Labor, Bureau of International
8 Labor Affairs.

9 MR. BLAHA: Chris Blaha, Department of
10 Commerce, International Trade Administration.

11 CHAIR BUSIS: William Busis, USTR,
12 Office of General Counsel.

13 MS. HOWE: Julia Howe, USTR, China
14 Office.

15 MR. SECOR: Peter Secor, State
16 Department, Economic Bureau.

17 MS. BONNER: Sarah Bonner, U.S. Small
18 Business Administration.

19 MR. ABAJIAN: Alexander Abajian,
20 Council of Economic Advisors.

21 CHAIR BUSIS: And, Alexander, you have
22 the first question.

1 MR. ABAJIAN: Yes. The first
2 questions is for Ambassador Bhatia. You
3 testified about intra-company transfers and
4 specialized parts with effect to GE's supply
5 chains for aviation parts and complex medical
6 equipment. I was hoping you could elaborate on
7 the problems GE might face if its supply chains
8 with respect to these goods were forced to
9 change.

10 AMBASSADOR BHATIA: Yeah, thank you.
11 Look, we have very carefully constructed supply
12 chains for both aviation -- I think -- was the
13 other one -- business you mentioned, specifically
14 of interest, was healthcare?

15 MR. ABAJIAN: Medical equipment, yes.

16 AMBASSADOR BHATIA: Medical equipment,
17 yes, what we call our healthcare business.

18 So, both are highly complicated
19 products. Both are regulated products, here and
20 abroad. Both are products that are fundamentally
21 sort of critical infrastructure products; lives
22 depend upon these products operating, operating

1 successfully. And so we take an enormous amount
2 of care in how we source and where we -- how we
3 construct these products.

4 So, the supply chains that we've
5 developed, often under supervision from the FDA,
6 under supervision from the FAA, will involve
7 careful scrutiny of the individual facilities.

8 Now, a lot of the facilities that we
9 have in the United States and abroad, including
10 in China, are wholly-owned. So, we have four
11 facilities on the healthcare side, we've got one
12 facility on the aviation side in China.

13 We work extremely closely with the
14 teams in-country to make sure that the way they
15 produce, what they produce, meets those
16 regulatory and other standards. We bring them
17 over, we incorporate them into our products.

18 They actually, as I mentioned, are a
19 relatively small percentage of the overall value
20 of the product being exported, but they are
21 critical components. They are critical
22 components.

1 And so, should the tariffs be applied
2 in this market, we would either be forced to
3 swallow the additional 25 percent cost, which in
4 these markets can be not insignificant in terms
5 of determining your competitiveness overall, or
6 we will be forced to move production, final
7 production and assembly, to other markets around
8 the world.

9 We have facilities where we do make
10 end products in other countries, so we would
11 create jobs or support jobs in other countries
12 rather than the United States. Or, in due
13 course, if conceivable, we would move the
14 production out of China to third countries. But
15 those -- sometimes those can be lengthy and
16 difficult processes. So, I don't know if that
17 answers your question.

18 MR. ABAJIAN: Yes, that does. And a
19 follow-up to that would be, in terms of your
20 written filing, are there more granular data
21 available for which of those products and what
22 percentage of maybe the value of those products,

1 the final products that are manufactured in the
2 United States that would be comprised of those
3 HTS headers affected by the 301 sanctions?

4 AMBASSADOR BHATIA: So, we certainly
5 have more granular data, including the listing of
6 all the HTS codes we think are particularly
7 affected by this.

8 In terms of product-by-product the
9 percentage of the sourcing that is U.S. rather
10 than foreign, I don't think that's in our
11 submitted data. We could look into that. It
12 obviously varies a lot. And then there will be
13 individual HTS codes that will have various
14 subcomponents coming over that will fit into
15 multiple pieces.

16 As it is, as I mentioned, more than
17 1,000 of the lines, of the 1,300 lines, hit us.
18 So, that's a lot to be able to come back to you
19 with, but I would be happy to try and supply you
20 with individual information about, say, the 34
21 and the sourcing of those key products, what
22 percentage is U.S. versus Chinese.

1 MR. ABAJIAN: And just a further
2 addition to that would be what percentage of
3 those 34 critical products and how long each
4 would take if you were to source them from a non-
5 China country.

6 AMBASSADOR BHATIA: From a non-
7 Chinese, yes. It would vary.

8 MR. ABAJIAN: Thank you.

9 CHAIR BUSIS: To clarify, I think, I'm
10 not sure if this is the same question Alexander
11 asked, but, so, Mr. Pfeifer, for the engines
12 mentioned that, for the tariff code, he mentioned
13 it was basically all, that particular tariff code
14 was all made by the Brunswick factory in China.

15 Is that the same question you asked
16 for the tariff lines, how much of each line is
17 your affiliates in China?

18 MR. ABAJIAN: No, rather what
19 percentage -- is there a substitute available
20 that would not be sourced from China.

21 CHAIR BUSIS: Okay, so it's a different
22 question. But, if you, I don't know --

1 obviously, you have 1,000 lines, there's only so
2 much you can do, but I would be curious to know,
3 get a sense of whether the lines that you're
4 requesting to be removed, whether the imports
5 from those lines reflect only GE production or
6 other producers in China that are not affiliated
7 with GE.

8 AMBASSADOR BHATIA: For our imports,
9 you mean?

10 CHAIR BUSIS: Right, for the lines you
11 suggest. I mean, if a line is like 25-64, is
12 that only GE production or are there other
13 producers selling that?

14 AMBASSADOR BHATIA: There's a
15 combination of the two, obviously, and it varies
16 line by line. There were some of these that 90-
17 plus percent would be intra-company, GE-owned
18 transfers. There would be some where the number
19 of third-party, either JV or third-party,
20 separate, percentages are higher. We can
21 certainly do that for the 34 categories and get
22 that back to you. So, happy to do that.

1 CHAIR BUSIS: Thank you. And for
2 intra-company, are the companies in China, are
3 these wholly-owned affiliates or are they joint
4 ventures? Do you have a sense of that?

5 AMBASSADOR BHATIA: So, the five that
6 I mentioned, which are the two aviation, we do
7 have some in the power and other spaces, but just
8 to take those two as examples, there are four on
9 the healthcare side, three of those four are 100
10 percent owned and controlled, one is 90 percent
11 owned, but wholly controlled by us; there's a
12 minority Chinese partner.

13 And then the aviation side is 100
14 percent controlled by us. Sorry, 100 percent
15 owned and controlled by us.

16 CHAIR BUSIS: Sarah, did you have some
17 questions?

18 MS. BONNER: Thanks. This question is
19 for Mr. Davis. You testified that the U.S. is a
20 global leader in the semiconductor manufacturing
21 technology industry. You also have identified
22 100 tariff lines. I was wondering if you can

1 share any views on how the imposition of tariffs
2 on those lines might disproportionately impact
3 U.S. small businesses.

4 MR. DAVIS: Thanks for the question.
5 Like the outboard motor companies, the United
6 States' primary competitor is Japan. So,
7 anything that restrains or curtails the U.S.
8 companies' supply chains is only going to benefit
9 the Japanese and probably not hurt the Chinese.

10 Really, semiconductor manufacturing
11 equipment, everyone here is a champion of their
12 industry, so maybe this is over the top, but it's
13 really the highest of the high tech. It's the
14 most sophisticated in terms of physics,
15 engineering, software, chemistry, all bundled
16 into a product that has tens of thousands of
17 individual components.

18 And so U.S. semiconductor
19 manufacturing equipment companies have a long
20 tail, a very complex supply chain. Many of them
21 are small- and medium-sized companies and they
22 would most certainly be impacted.

1 MS. HOWE: My question is for John
2 Pfeifer. You mentioned that engines assembled in
3 your plant in Suzhou, China use parts made in the
4 United States. To the extent that you can, what
5 is the percentage of the U.S. component in the
6 engine?

7 MR. PFEIFER: So, I actually don't have
8 the exact dollar figure percentage with me today,
9 but I'll give you an indication of what we
10 manufacture in the United States and ship to
11 China for assembly.

12 They're all critical components, crank
13 shafts, drive shafts, gear cases, gear assembly
14 sets, some of the sophisticated electronic
15 controls that go into how you control the engine,
16 that's what we manufacture in the U.S.

17 In China, we of course take advantage
18 of the supply chain that's fairly developed, and
19 that's one of the reasons that it makes sense for
20 us to have that assembly plant there. So, that
21 would be things like the cowling, which is the
22 structural plastic that goes over the engine to

1 give it the right appearance. It would be some
2 of the electronic wire harnesses. It would be
3 some hoses and products like that that go into
4 the assembly operation.

5 MS. HOWE: If you can send in your
6 written rebuttal more information about the
7 breakdown --

8 MR. PFEIFER: The percentage, yeah.

9 MS. HOWE: Yeah, of the total product.

10 MS. PETTIS: I have a follow-up
11 question for Mr. Pfeifer

12 MR. BISHOP: Could you identify
13 yourself, please?

14 MS. PETTIS: I'm sorry. This is
15 Maureen Pettis, Department of Labor. You
16 indicated that these inputs are made in the
17 United States and shipped over to China. Can you
18 give any indication of the kind of jobs, the
19 number of people that would be involved?

20 MR. PFEIFER: Yes, so we have 3,200 on
21 our main campus in Fond du Lac, Wisconsin.
22 That's where most of these components are

1 manufactured. They are manufactured both in our
2 foundries, where we cast aluminum, and they're
3 also employed in our machining operations where
4 we machine steel, crank shaft, drive shaft
5 products.

6 So, about 20 percent of the U.S.
7 market, to give you an example, is these 40-to-60
8 horsepower entry level engines. So, if you take
9 the people that are in those plants, you're
10 talking about a few hundred people who are
11 currently working on production of those
12 components. And those are all high paying, high
13 skilled jobs, machinists, people with vocational
14 skill sets that are required to make those
15 products.

16 MS. PETTIS: Okay, thank you very
17 much.

18 CHAIR BUSIS: Chris?

19 MR. BLAHA: Thank you. I have a
20 question for Mr. Maroon from Maroon Group. You
21 mentioned, if I understood correctly, that the
22 only imports in this came from China and there

1 was one other domestic producer, aside from, I
2 guess, your sourcing.

3 MR. MAROON: We're not a producer,
4 we're a distribution company, to be clear.

5 MR. BLAHA: I'm sorry. There's one
6 domestic U.S. producer. There's you distributing
7 in the United States. And the only imports of
8 this come from China. Is that accurate?

9 MR. MAROON: The only imports that our
10 company can identify via import statistics came
11 from China.

12 MR. BLAHA: Okay. Thank you. And so
13 I guess my question is, do you know to what
14 extent -- or to what extent can you say whether
15 or not production of this product could be ramped
16 up or increased? Are there significant entry
17 barriers or anything like that, either to U.S.
18 domestic production or to production outside of
19 China in foreign countries?

20 MR. MAROON: I wouldn't tell you that,
21 from the best of my scientific knowledge, that
22 the barrier to entry is that great in terms of

1 money or time.

2 If I was to put a value on each, like
3 most chemical manufacturing facilities, you'd
4 probably looking at somewhere, for a greenfield
5 operation, 12 months, as far as time. And maybe
6 somewhere between, for reactors and the like,
7 turnkey maybe \$25-to-40 million range, to
8 construct a line.

9 MR. BLAHA: Thank you. And I guess,
10 to the extent that you know, is China really the
11 -- U.S. imports, as far as you know, come from
12 China. Is China really the global supplier in
13 this around the world or --

14 MR. MAROON: No, our one U.S.
15 competitor, manufacturer, producer is the market
16 leader, if you will. They are the primary
17 producer globally.

18 MR. BLAHA: Okay. Thank you very
19 much.

20 CHAIR BUSIS: And could you let us --
21 what is the feedstock for the sorbitol-based
22 clarifier that you're mentioning? I'll be more

1 general than specific, is it a petroleum-based
2 feedstock that the United States would have a
3 pretty good cost basis for, or something that
4 China has indigenous --

5 MR. MAROON: No advantage for China
6 over the United States for the intermediate
7 chemicals needed to make the DMDBS clarifier
8 itself. However, since you mentioned it, the
9 U.S. is the leading producer in the world of
10 polyolefins, specifically, in this case,
11 polypropylene. We are a net-exporter, right?
12 And we will continue to be that going forward
13 with all the new naphtha crackers that are
14 opening based on shale gas exploration. So,
15 we'll continue to grow.

16 We will likely be, at least the next
17 decade, as a net-exporter. And this material
18 that I'm speaking of today is critical to the
19 production of certain grades of that
20 polypropylene for those different industries.

21 CHAIR BUSIS: Ms. Christou, for Dana,
22 you mentioned that you source some, I guess,

1 intermediate parts of your axles and drive shafts
2 and transmissions from China. Could you describe
3 the companies within China you buy from? Are
4 they affiliated with Dana, are they international
5 corporations, Chinese corporations?

6 MS. CHRISTOU: I'm unaware at this
7 time about the exact nature of, I believe you
8 asked about the suppliers, the intermediaries,
9 but I do know that Dana focuses on condensing its
10 sources and really just basing its sources on
11 total value, on price and quality. But I do
12 think that that's something we can definitely
13 more address further in our rebuttal comments.

14 CHAIR BUSIS: And it would be helpful
15 if you could in your rebuttal comments also
16 address whether, presumably Dana has some
17 competitors in the transmission and drive shafts
18 field, whether they also are relying on the same
19 Chinese products.

20 MS. CHRISTOU: Sure.

21 MR. BLAHA: I'll also ask you a
22 similar question, for Ms. Christou. You

1 mentioned, I think, product certification as a
2 specific barrier to trying to shift the supply
3 chain away. Is it really kind of a -- does that
4 certification currently only apply to Chinese
5 supply structures right now? Or are there other
6 suppliers that also supply to Dana outside of
7 China that also would have such certification?

8 MS. CHRISTOU: My understanding is
9 that it's not just limited to Chinese suppliers
10 and that it's an overall certification process.
11 And so that was the reason for that 18-month
12 certification timeline, that that matched up with
13 the time that we had requested for there to be
14 sort of that imposition. If there's that time
15 period, that's sort of where we got that number
16 from. So, not just limited to China.

17 CHAIR BUSIS: Adam, you have the next
18 question.

19 MR. SULEWSKI: Hi. Adam Sulewski with
20 DHS. This question is for Mr. Reed with Advanced
21 Energy Economy. In your testimony, you had used
22 automatic thermostat and electric vehicles as

1 examples. Can you elaborate on the effects of
2 the proposed tariffs, what that would have on
3 U.S. consumer prices, and do you have an estimate
4 on the potential price increase?

5 MR. REED: Yes. So, I can use smart
6 thermostats as the example there. We find it
7 very improbable that customers would not be able
8 to -- or would be harmed by the tariffs here.
9 Most of the companies that use the U.S. market
10 for smart thermostats assemble their products in
11 China and have no alternative supplier for that.

12 So, ultimately, what would happen
13 should these tariffs go forward is that would
14 either put the tariff solely on consumers, or
15 that would ultimately mean that consumers would
16 not be able to afford the product altogether.

17 Right now, as a very high technology
18 premium product, this is already still entering,
19 although in millions of households, still
20 entering the market and a premium product for
21 consumers. So, adding any additional cost on
22 that makes it much more difficult for them to

1 afford it.

2 CHAIR BUSIS: So, are you saying that
3 the United States or other sources could not
4 produce these thermostats, is that --

5 MR. REED: As of right now, the
6 companies that we've spoken to, the vast majority
7 of them supply solely from China, yes.

8 CHAIR BUSIS: Right, but the question
9 is could they supply from other sources.

10 MR. REED: To my understanding,
11 there's only one other country that supplies
12 smart thermostats on this. So I suppose they
13 could, but in terms of shifting supply chain and
14 how much that would cost, that certainly would
15 have to factor into that.

16 CHAIR BUSIS: Okay.

17 MR. BLAHA: Just a follow-up again on
18 the smart thermostats. I presume there are other
19 components, perhaps software or something else,
20 that actually goes along in the eventual
21 installation of this. Do you have a sense of
22 what share the actual good that comes from China

1 is in the overall installation cost?

2 MR. REED: I do not, but we can
3 certainly put that within the rebuttal comments.

4 MR. BLAHA: Thank you. And this
5 question is for Mr. Pitsor from NEMA. You
6 mentioned or you suggested three criteria to
7 narrow the scope of the proposed product list,
8 that substitutes are unavailable, that the
9 imports come from U.S.-owned facilities, or they
10 have a high percentage of U.S. content.

11 I think we've heard testimony and seen
12 written submissions regarding some specific
13 examples of these types of things. But could you
14 elaborate on how the 301 Committee might evaluate
15 or operationalize or use these criteria to
16 actually examine the product list generally?

17 MR. PITSOR: Thank you for the
18 question. With respect to the three criteria we
19 suggested in terms of looking at to apply, there
20 would have to be some work with the customs
21 service to identify the products that are coming
22 from wholly-owned U.S. companies' facilities from

1 China that are being imported in the various HTS
2 categories to narrow those to be exempted or
3 excluded from the 301 tariffs.

4 Likewise, high content U.S. product
5 components from the U.S. that go to China and
6 then are further manufactured and then come back,
7 to be able to identify that trade flow and,
8 obviously, the application of duty drawback there
9 might be a way to address that.

10 It would be a complex undertaking,
11 that's for sure, because of the nature of the
12 component and the sourcing that does take place
13 in the electrical industry.

14 MR. BLAHA: Do you have some sense, in
15 the electrical industry, of data that might not -
16 - not necessarily customs data, but how much U.S.
17 value is in electrical components that come back
18 from China or how many factories or what
19 proportion is actually U.S. wholly-owned?

20 MR. PITSOR: Well, as there's 100
21 different categories in the proposed tariff list
22 here that we'd be speaking of, it's going to vary

1 based on different product categories.

2 And then smaller companies might have
3 less U.S. content or more content. It's going to
4 vary, again, by the relationships some of the
5 smaller manufacturers have with larger
6 manufacturers. There's a lot of inter-company
7 sales of components, resisters and capacitors,
8 some of the electronic pieces might be sourced to
9 multiple manufacturers under a contract
10 relationship.

11 We could look to see if there's any
12 data from our side that would indicate what that
13 value would be.

14 MR. BLAHA: Thank you.

15 CHAIR BUSIS: Mr. Bishop, I think
16 we've concluded with this panel. And maybe we
17 could break for approximately an hour for lunch.
18 It's 11:40 on that clock, maybe we could break
19 until, say, 12:45? That's approximately an hour,
20 right?

21 MR. BISHOP: Okay. We stand in recess
22 until 12:45.

1 (Whereupon, the above-entitled matter
2 went off the record at 11:40 a.m. and resumed at
3 12:46 p.m.)

4 CHAIR ALLEN: Good afternoon. Welcome
5 to this afternoon's session. Before we begin the
6 panel, I'd like to go ahead and ask everyone here
7 to introduce themselves. So if we could go
8 around the room and do so, please.

9 MR. SULEWSKI: Good afternoon. Adam
10 Sulewski, U.S. Department of Homeland Security,
11 Office of Policy, Trade Policy.

12 MS. PETTIS: Hello. I'm Maureen
13 Pettis. I work for the Department of Labor in
14 the Bureau of International Labor Affairs.

15 MS. PSILLOS: Kate Psillos, Department
16 of Commerce, the International Trade
17 Administration, Office of Trade Negotiations and
18 Analysis.

19 CHAIR ALLEN: Brooks Allen, USTR,
20 Office of General Counsel.

21 MR. WINELAND: Tim Wineland, USTR's
22 China office.

1 MR. MOORE: Dewey Moore, Department of
2 State, Office of Intellectual Property
3 Enforcement.

4 CHAIR ALLEN: Mr. Bishop, we are ready
5 for the panel.

6 MR. BISHOP: Our first witness on this
7 panel is John Campbell of Ball Corporation and
8 Ball Metal Beverage Container Corporation. Mr.
9 Campbell, you have five minutes.

10 MR. CAMPBELL: Thank you. And thank
11 you for the opportunity to appear before you this
12 afternoon. My name is John Campbell, and I'm
13 Vice President of Government Relations for Ball
14 Corporation. Ball Corporation is a Fortune 500
15 metal packaging manufacturing company with a rich
16 138-year history of providing well-paying jobs in
17 communities across our country. Today, we are
18 the largest producer of aluminum beverage cans in
19 the world. We employ 18,000 people globally, of
20 which 8,000 are here in the U.S. We operate
21 facilities in 25 states, and each year Ball
22 produces approximately 100 billion metal beverage

1 cans and approximately 3.7 billion metal food and
2 aerosol cans.

3 We commend the administration for
4 taking steps to re-balance the U.S.-China trade
5 relationship. However, we respectfully request
6 that the aluminum and steel products we use to
7 make beverage, food, and aerosol cans be removed
8 from the list of proposed products under
9 consideration for tariffs.

10 Today, we import from China three to
11 five percent of our template steel and two to
12 four percent of the aluminum can sheet we use.
13 Although these are small percentages, they
14 represent an important component of our overall
15 metal supply. Ball Corporation has long
16 partnered with the U.S. steel and aluminum
17 producers and relied upon domestically-sourced
18 template steel and aluminum can sheet. We look
19 forward to continuing and strengthening those
20 partnerships.

21 The advantages of domestic production
22 in terms of lead time, freight and storage costs,

1 and currency risk are significant, and having a
2 reliable U.S. supply enable us to remain flexible
3 and responsive to our customers' current needs.
4 Domestic production of template steel is trending
5 downward. The availability and reliability of
6 domestically-produced template have declined.
7 Significant U.S. capacity has been permanently
8 closed while remaining production sites have
9 failed to keep pace with demand.

10 According to the International Trade
11 Commission, overall U.S. production of template
12 steel fell by 25 percent from 2014 to 2016.
13 Overall U.S. production was 9.5 percent lower
14 during the period January to September 2017 when
15 compared to the same period in 2016.

16 Today, we source a majority of our
17 aluminum can sheet domestically. However, we are
18 unlikely to sustain a large percentage of the
19 domestic purchase in the future as aluminum
20 manufacturers convert from producing can sheet to
21 applications such as auto body sheet for the
22 automotive market. The downward trend of

1 domestically-produced can sheet is unlikely to be
2 reversed in the near term.

3 In 2019, the domestic production of
4 can sheet will not meet our North America demand
5 requirements. By 2020, we expect domestic can
6 sheet production to have declined by 30 percent
7 while demand remains flat.

8 Our limited Chinese imports helps us
9 respond to domestic supply disruptions which
10 occur almost annually. Without the opportunity
11 to purchase metal from foreign suppliers, we risk
12 becoming less competitive against other
13 substrates that do not face similar tariffs.

14 Thank you for this opportunity to
15 testify.

16 MR. BISHOP: Thank you, Mr. Campbell.
17 Our next witness is Charles Gray of Teradyne,
18 Incorporated. Mr. Gray, you have five minutes.

19 MR. C. GRAY: Thank you for the
20 opportunity to present the views of my company,
21 Teradyne. We are a leading U.S.-based supplier
22 of automated test equipment, and I am the

1 company's general counsel.

2 We are concerned about inclusion of
3 our products, semi-conductor test systems,
4 instruments, and printed circuit boards, on the
5 proposed Section 301 tariffs list. Inclusion of
6 these tariff lines, which are specifically
7 identified in our written submission, would first
8 adversely impact us, a U.S. company, our U.S.
9 customers, in the U.S. semi-conductor industry.
10 Second, it would advantage our Japanese
11 competitor. And, third, it would not advance the
12 goal of influencing China's policies relating to
13 technology transfer.

14 As I mentioned, we are an American
15 company founded almost 60 years ago and still
16 headquartered in Massachusetts. We employ 4500
17 people worldwide and over 1700 in the United
18 States. Our equipment is used to test
19 semiconductors and enables our customers to
20 ensure the consistent performance and quality of
21 their products.

22 We do our design and engineering in

1 the United States. We use a global contract
2 manufacturer who manufactures our flex and J750
3 families of test systems in its facility in
4 China. Most of our suppliers and most of our
5 customers' manufacturing facilities are located
6 in Asia.

7 Our technology and engineering
8 expertise jobs are in the United States. We have
9 not transferred our technology or intellectual
10 property to any Chinese company or to our global
11 contract manufacturer with its facility in China.

12 We believe the administration should
13 not include our products in the Section 301
14 tariffs for three reasons. First, these tariffs
15 would harm us, our U.S. customers, in, as I
16 mentioned, the U.S. semi-conductor industry.
17 Tariffs on our test systems would, of course,
18 negatively impact us through increased pricing
19 for products and decreased competition for test
20 equipment, but also it would impact the U.S.
21 semiconductor customers. Our U.S. customers for
22 these systems include Qualcomm, Texas

1 Instruments, ON Semiconductor, Western Digital,
2 and many others.

3 Second, the principle effect of
4 tariffs on our test system equipment would be to
5 distort the market in favor of a non-U.S.
6 competitor. The main beneficiary would be a
7 Japanese company who manufactures its products in
8 Japan and, thus, would not be affected by the 301
9 tariffs. Ironically, this Japanese competitor
10 which would benefit from the tariffs has licensed
11 its technology to a Chinese joint venture while
12 Teradyne has not.

13 Third, the proposed tariffs on our
14 test system equipment would not advance the
15 administration's goal of encouraging China to
16 change its technology transfer policies. No
17 Chinese company would be adversely impacted by
18 these tariffs because no Chinese company competes
19 in the U.S. market for the test systems covered
20 by the tariffs. If anything, the proposed
21 tariffs could indirectly benefit Chinese policies
22 through favoring the Japanese competitor who,

1 again, has contributed its technology to a
2 government-funded Chinese joint venture.

3 To conclude, these proposed tariffs
4 would harm U.S. interest while not impacting
5 Chinese practices. More broadly, these tariffs
6 could cause harm to U.S. leadership in
7 semiconductor testing equipment at a time the
8 U.S. government is focused on preserving and
9 enhancing U.S. leadership in the semiconductor
10 industry.

11 Accordingly, we respectfully request
12 the relevant tariff lines be removed from the
13 proposed Section 301 action. Thank you.

14 MR. BISHOP: Thank you, Mr. Gray. Our
15 next witness is Alan Shaw with Electrolux Major
16 Appliances North America. Mr. Shaw, you have
17 five minutes.

18 MR. SHAW: Thank you. Good afternoon,
19 distinguished members of the committee. My name
20 is Alan Shaw, and I'm the President and CEO of
21 Electrolux Major Appliances North America. Thank
22 you for the opportunity to appear before you on

1 such an important issue.

2 Electrolux is one of the world's
3 leading manufacturers of home appliances, and
4 we've been manufacturing here in the United
5 States since 1931. Today, in the U.S., we have
6 five manufacturing plants, four R&D centers, ten
7 distribution centers, and we have more than 9,000
8 employees.

9 We primarily sell under the Electrolux
10 brands. We build refrigerators, freezers,
11 cooking products, dishwashing and laundry. In
12 2017, we sold more than 14 million products in
13 North America and saw revenues of nearly \$5
14 billion.

15 I raise these results to emphasize our
16 economic contribution. The 19 facilities that I
17 mentioned are mostly in small towns across
18 America, and we are helping those local economies
19 grow.

20 With that as a background, let me turn
21 to the topic of the day. Portions of Section 301
22 put our U.S. manufacturing in harm's way because

1 the main beneficiaries of the tariffs will be
2 foreign manufacturers who are not impacted by
3 Section 301 because they are and will continue
4 building appliances outside of the U.S. and
5 importing them into the country.

6 The proposed tariffs cover key
7 components in our appliances that, in the near
8 term, we are unable to source outside of China.
9 This means for the U.S. manufacturers those
10 components will cost more and ultimately raise
11 the cost of the appliance. This increased cost,
12 what I would call an unintended bias against U.S.
13 manufacturers, like Electrolux. I call this
14 unintended because I know that sacrificing U.S.
15 competitiveness wasn't the committee's, nor the
16 president's, goal, but I also know that the
17 consequence of these tariffs on many components
18 on this list will be immediate and significant
19 for our company.

20 But rather than discussing this in
21 abstract, let me provide a specific example. The
22 current list covers the compressors that go into

1 every single refrigerator and freezer sold in
2 America. There are more than 13 million sold in
3 the U.S. each year. Across the industry, there
4 is no viable American supplier for these
5 compressors, so the tariff will not protect any
6 U.S. industry. All it will do is drastically
7 increase the cost of the single most expensive
8 part of every U.S.-manufactured refrigerator and
9 freezer.

10 Foreign manufacturers, because they're
11 not impacted by the tariff, will not have the
12 same increased cost and, therefore, will not have
13 to raise their consumer price. But we will and
14 it will make U.S.-manufactured products less
15 competitive. Already 64 percent of refrigerators
16 and freezers sold in the U.S. are imported.

17 You might ask why we just couldn't
18 source compressors from some other places. It's
19 a legitimate question. But to ensure that we
20 meet regulatory safety and performance
21 requirements, it's going to take more than a year
22 to qualify a new compressor supplier. We're

1 already in talks with other suppliers, and
2 they've confirmed that our costs will increase as
3 a result. This again demonstrates the unintended
4 bias and one that would not create a benefit to
5 U.S. industry.

6 I've been working in manufacturing for
7 more than 30 years, and I know the severity of
8 China's unfair trade practices and their adverse
9 effects on U.S. interests. But I'm deeply
10 concerned about the unintended consequence and
11 downside of some of the tariffs.

12 As I said, we're proud and committed
13 to U.S. manufacturing. The quality of American-
14 made products is impressive, and so are each of
15 our 9,000 workers. But some of these tariffs
16 will be a terrible hit, making U.S. manufacturing
17 less competitive without helping any U.S.
18 industry. Said another way, it will cost less to
19 manufacture outside the U.S.

20 For these reasons, we respectfully
21 request that the committee consider the
22 ramifications of the components critical to the

1 U.S. industry and that are only available from
2 China or don't have an American supplier and that
3 you protect U.S. companies from the unintended
4 bias and, finally, that you level the playing
5 field without damaging U.S. manufacturing.

6 Once again, thank you for the
7 opportunity to share our concerns today. I'd be
8 pleased to answer any questions. Thank you.

9 MR. BISHOP: Thank you, Mr. Shaw. Our
10 next witness is Mike Gray with Valmet
11 Corporation. Mr. Gray, you have five minutes.

12 MR. M. GRAY: Good afternoon. Thank
13 you for the opportunity to participate today and
14 present the views of Valmet Corporation. My name
15 is Mike Gray, and I'm the Senior Vice President
16 of Valmet's North American capital business
17 operations. Valmet is the leading global
18 developer and supplier of technologies,
19 automations, and services for the pulp, paper,
20 and energy industries. Valmet's technology and
21 offerings include pulp mills, tissue board, and
22 paper production lines, as well as boilers for

1 power plants engaged in energy production.

2 We are headquartered in Finland and
3 have 15 U.S. locations in a number of states. We
4 supply our U.S. customers with paper-making
5 machinery, energy products, employ 1,200 U.S.
6 workers, and generate revenues for local
7 communities. We have production facilities in
8 the United States, Finland, Sweden, and China.
9 In our Chinese facilities, we produce components
10 of machines that are imported to the United
11 States for assembly and installations by
12 thousands of U.S. workers.

13 Valmet shares the Trump
14 administration's commitment to combating China's
15 violations of intellectual property rights,
16 forced technology transfers, and other policies
17 that harm U.S. companies and workers. Taking
18 into account our mutual commitment, Valmet
19 respectfully urges the USTR to remove from its
20 tariff target list machinery for pulp, paper, and
21 tissue-making, products of pulp and paperboard,
22 and certain boiler machines. As I discuss here,

1 tariffs on these products will cause
2 disproportionate harm to U.S. interests and will
3 not be effective to obtain the elimination of the
4 Chinese acts, policies, and practices found to be
5 in violation of Section 301.

6 Duties on these products will impact
7 U.S. consumers and jobs and result in decreases
8 in revenues for Valmet's numerous U.S. facilities
9 impacting investors and local communities and
10 governments. As to impact on consumers, we would
11 need to modify our supply chains, causing
12 disruption and increased costs to our customers
13 and, in turn, the end consumers of the products
14 made by our equipment.

15 For an industry that relies on long-
16 term planning, these effects will be particularly
17 acute. As a result, demand for our product
18 offerings will decrease, impacting U.S. workers
19 and our revenues.

20 We or our customers employ thousands
21 of U.S. workers each year to assemble and install
22 our equipment. In total, the duties will put at

1 risk approximately 6,000 direct and indirect jobs
2 per year across the United States. Revenues will
3 decrease in Valmet facilities in the U.S. and
4 China, impacting rates of return of investors and
5 tax revenues of the local communities. According
6 to our first estimate based on our three-year
7 strategy, the annual impact of tariffs will be in
8 excess of \$50 million on our sales.

9 The magnitude of these impacts will
10 not be offset by increases in domestic
11 production. These products are not currently
12 produced in the United States. Restarting
13 production will require the building of special
14 facilities with significant foundations and
15 equipment, specialized training, significant
16 capital investment, and would take multiple years
17 to implement.

18 What's more, the increased duties will
19 not address concerns articulated by the USTR. As
20 a company with seven wholly-owned production
21 facilities in China and two joint ventures with
22 Chinese entities, we can speak to these concerns

1 with substantial experience.

2 As to technology transfer, we do not
3 transfer our sensitive technology to Chinese
4 companies, including our joint venture partners.
5 High-tech companies of our pulp and paper-making
6 machinery, which are produced in China, are
7 produced in Valmet's wholly-owned facilities in
8 China with a majority of these products being
9 produced in Finland. No high-tech components are
10 produced in Valmet's Chinese joint ventures.
11 High-end components of our boiler machinery are
12 produced in Finland and imported directly into
13 the United States.

14 As to licensing practices, we have
15 only licensed technology to our wholly-owned
16 Chinese enterprises and joint ventures in China.
17 And in the latter case, we license the technology
18 by choice in our market-based terms.

19 As to Chinese outbound investment, our
20 company has not previously been approached by
21 Chinese investors that seek to acquire our
22 business. As to cyber theft, our business

1 confidential information has not previously been
2 stolen by the Chinese government. On a global
3 level, we are in constant discussion about ways
4 to counter the risk of cyber theft.

5 In short, the concerns the USTR seeks
6 to address do not apply to our operations in
7 China and, to our knowledge, do not apply to
8 those of our largest competitors, both of which
9 have wholly-owned production sites in China.
10 Tariffs on the paper and energy products will
11 only cause a disproportionate impact on the U.S.
12 interests, including on jobs and consumers, as I
13 have described above.

14 Thank you again for this opportunity
15 to present our views on the matter of serious
16 concern to our company, and I look forward to
17 your questions.

18 MR. BISHOP: Thank you, Mr. Gray. Our
19 next witness is Ann Wilson with the Motor and
20 Equipment Manufacturers Association. Ms. Wilson,
21 you have five minutes.

22 MS. WILSON: Thank you. Good

1 afternoon and thank you for the opportunity to
2 testify today.

3 MR. BISHOP: Move your mike a little
4 closer, if you would, please.

5 MS. WILSON: Got it?

6 MR. BISHOP: That's great. Thank you.

7 MS. WILSON: My name is Ann Wilson.

8 I'm the Senior Vice President of Government
9 Affairs for the Motor and Equipment Manufacturers
10 Association. MEMA represents manufacturers of
11 motor vehicle parts, components, and systems,
12 supplying the automotive heavy vehicle and
13 automotive after-market industries. These
14 suppliers are the largest sector of manufacturing
15 jobs in the United States, directly employing
16 over 871,000 Americans in all 50 states.

17 MEMA supports the administration's
18 agenda to ensure free and fair trade for America.
19 Our industry has long supported aggressive
20 policies to protect intellectual property rights
21 and enforce IP laws here in the U.S. and around
22 the globe, including in China. However, MEMA is

1 concerned about the adverse impact of
2 manufacturing jobs resulting from the proposed
3 301 tariffs.

4 In MEMA's written comments, we ask for
5 the removal of products included in but not
6 limited to HTS Chapters 40, 73, 76, 83, 84, 85,
7 90, and 94. Products under these chapters are
8 indeed used by suppliers either as part of the
9 manufacturing production line or as materials and
10 tools to produce vehicle parts.

11 Since USTR did not propose to include
12 vehicle parts under HTS Subheading 8708, MEMA
13 believes the proposed tariffs on vehicle products
14 were unintentionally included. In fact, USTR
15 should not include any additional vehicle
16 products in the scope of the tariffs in any final
17 decision.

18 Vehicle suppliers operate in a global
19 supply chain of domestic and international
20 suppliers and customers. China is a large and
21 important trading partner for our industry. Many
22 U.S. motor vehicle supplies have manufacturing

1 facilities in China to service Asia and the rest
2 of the world. In many cases, U.S. manufacturing
3 capacity is simply not available for some of the
4 materials and parts from China relied on by
5 suppliers. But, importantly, these parts are
6 necessary to enable domestic vehicle suppliers to
7 continue their U.S.-based operations.

8 The proposed tariffs will cause
9 disproportionate harm to U.S. interests by
10 disrupting American manufacturing operations and
11 increasing cost both to U.S. producers and
12 consumers. Over the last few weeks, we have
13 fielded hundreds of calls regarding the proposed
14 tariffs. I'd like to share three of our concerns
15 that I've heard.

16 First, a large domestic Tier 1
17 original equipment supplier shared with me their
18 concern about cast metal parts, which this is
19 one, that they import. These parts are not
20 manufactured here because the manufacturing
21 process that is necessary does not exist in the
22 United States. If a 25-percent tariff were to be

1 enforced on these parts, the supplier must either
2 pass on the cost to the vehicle manufacturer or
3 absorb the cost themselves. Passing on the cost
4 is not possible because the vehicle manufacturer
5 would seek other suppliers potentially overseas.
6 If the supplier swallows the cost, they may then
7 be forced to either scrap planned U.S.
8 investments, including workforce, training, or
9 facilities expansion. Either choice results in
10 financial losses to the supplier impacting the
11 U.S. workers.

12 Second, a heavy vehicle truck supplier
13 imports components subject to the 301 tariffs for
14 further assembly in the U.S. These finished
15 assemblies go into a variety of heavy-duty
16 commercial trucks throughout the country. If
17 this company is forced to pay the tariffs on
18 imported components, they would likely use orders
19 and ultimately layoff hundreds of their U.S.
20 employees.

21 Finally, a domestic independent after-
22 market supplier shared with me that a 25-percent

1 tariff will cause severe economic harm to U.S.
2 consumers. These consumers need after-market
3 parts to repair and maintain their vehicles. Due
4 to increased repair costs, U.S. consumers may be
5 forced to forego repairs and foregoing
6 maintenance undermines the operating safety and
7 efficiency of consumers' vehicles.

8 The common thread here among these
9 suppliers are the threats of increased costs,
10 lack of U.S. manufacturing capacity, and overall
11 uncertainty. Please understand the costs of
12 these tariffs won't just impact companies but,
13 ultimately, U.S. consumers and our country. The
14 price will be loss of current jobs, constrained
15 access to materials and parts, and curtail future
16 U.S. investment by vehicle suppliers.

17 In closing, we urge you to not move
18 forward with the broad-based tariff. MEMA
19 applauds the current bilateral discussions
20 between the U.S. and China and urges their
21 continuation.

22 We agree with the administration that

1 the U.S. must take strong action to protect our
2 economy and our nation's workforce. However, the
3 recently proposed tariffs will have the opposite
4 effect and long-term damage to U.S.
5 competitiveness.

6 Thank you for your attention. I look
7 forward to your questions.

8 MR. BISHOP: Thank you, Ms. Wilson.
9 Our next witness is David Hull of Precision
10 Components, Incorporated. Mr. Hull, you have
11 five minutes.

12 MR. HULL: Distinguished panel and
13 participants, my name is Dave Hull. I've worked
14 in the bearing industry for 40-plus years and
15 started Precision Components in 1990. Since that
16 time, I've visited over 500 bearing facilities in
17 China and I've participated in four bearing anti-
18 dumping cases.

19 I'd like to request that bearings and
20 bearing components be removed from the 301
21 criteria. Those are harmonized tariff schedules
22 8482.10.50 through 8483.30.40. Seventy percent

1 of the world's bearings are produced by ten
2 companies. None of those companies are Chinese.
3 Those top-ten companies have 61 plants in China.
4 Most of them are wholly-owned foreign
5 enterprises. These Chinese factories produce
6 lower and older technology bearings.

7 Cutting-edge technology and research
8 is still done in the United States and other more
9 developed countries. Additional duties would
10 make it detrimental to those ten non-Chinese
11 companies.

12 U.S. manufacturing and the jobs they
13 represent is dependent on commodity bearings from
14 China, as many of those bearings have not been
15 made in the United States for decades. U.S.
16 bearing industry would also suffer due to their
17 outsourcing of unfinished components and finished
18 components to make themselves more globally
19 competitive. Raising the price of bearings will
20 raise the price of consumer goods, ranging from
21 vacuum cleaners to automobiles.

22 The bearing industry is already paying

1 a 4.8 to 9.9-percent import duty and the tapered
2 roller bearings from China are subject to anti-
3 dumping duties of up to 90 percent. This already
4 puts U.S. manufacturing at a disadvantage. For
5 example, to Mexican manufacturing facilities
6 where products are manufactured, assembled with
7 bearings from China, they do not pay that 9-
8 percent import duty. Those products come into
9 the United States and no duty is collected on
10 those products.

11 If the United States would like to
12 correct that, they should think about finding a
13 way to collect that 9-percent duty that's already
14 in place from products coming in from Mexico.
15 That would level the playing field with U.S.
16 manufacturing and bring more jobs back to the
17 United States. Thank you.

18 MR. BISHOP: Thank you, Mr. Hull. Our
19 final witness on this panel is Greg Merritt with
20 Cree, Incorporated. Mr. Merritt, you have five
21 minutes.

22 MR. MERRITT: Thank you. Good

1 afternoon and thanks for the opportunity to
2 address the panel. My name is Greg Merritt. I'm
3 Vice President of Marketing and Public Affairs at
4 Cree, Incorporated. Cree is an American company
5 based in North Carolina and is a market-leading
6 innovator and a producer of energy-efficient
7 semiconductor products, including LEDs and LED-
8 based lighting. Cree employs approximately 4,000
9 workers in the U.S., primarily in North Carolina,
10 Wisconsin, and Arkansas.

11 At the outset, let me say that Cree
12 supports the goals of the Section 301
13 investigation to protect American IP and
14 guarantee fair trade. Cree has invested heavily
15 in developing and expanding American IP through
16 \$1.3 billion in R&D spending in the U.S. over the
17 last ten years. Our R&D investment has led to
18 approximately 2,200 U.S. patents.

19 Our R&D spending and IP development
20 takes place primarily in our Durham, North
21 Carolina headquarters facility. In Durham, we
22 also produce the LED wafers that contain the LED

1 chips. This is the core of the high-tech
2 operations of our business.

3 The production of LED wafers is a
4 high-tech complex process using extremely
5 proprietary technology. This process involves
6 hundreds of semiconductor fabrication steps and
7 takes between three and eight weeks. In fact,
8 this process is so proprietary that non-
9 production related employees, such as myself, do
10 not have access to the production operations.

11 Cree produces approximately five and
12 a half billion LEDs in our Durham facility every
13 year. We began exporting these LED wafers to our
14 wholly-owned facility in China beginning in 2007,
15 primarily as a means to gain access to large and
16 rapidly-growing Chinese and Asian markets.

17 The LED wafers that we export to China
18 are cut and packaged to produce LED chips and
19 components using much less sophisticated
20 technology than we use in Durham. In fact, this
21 takes usually a week or less to complete.

22 The LED chips and components are then

1 shipped around the world to China, other Asian
2 markets, Europe, and some back to the U.S. for
3 use in our own production facility in Wisconsin
4 and sold to other unrelated customers. The LED
5 components are then used to produce LED lights
6 and LED displays and other products.

7 Our estimate is based on the sales
8 value. Approximately 70 percent of the value of
9 these LED components and chips is based on U.S.
10 intellectual property.

11 We have intentionally and carefully
12 structured our Chinese operations to keep our IP
13 separate and apart, allowing Cree to maintain
14 virtually all of its significant R&D activities
15 in IP in the United States. However, included in
16 the initial list of products subject to the 301
17 tariff is the HTS line that covers both the LED
18 wafers and LED chips and components, HTS
19 8541.4020.

20 There is significant competition in
21 the LED market both in the U.S. and around the
22 world from other sources, including companies in

1 Malaysia, Korea, Germany, Japan, that will
2 prevent us from being able to pass along the
3 increased costs of the 301 duty to our customers.
4 In fact, to maintain profitability of our Cree
5 lighting business, we would be forced to source
6 LED components from other non-U.S. owned
7 suppliers to produce our lighting products in
8 Wisconsin.

9 Our existing U.S. customers, such as
10 Daktronics you heard from in Panel 8 this
11 morning, would also need to do likewise. As a
12 result, the demand for Cree's LED components,
13 which I remind you the vast majority of their
14 value is derived from our Durham facility, would
15 drop. The loss of sales for LED components would
16 significantly reduce our operating profits and
17 cash flow. The loss of operating products and
18 cash flow will cause reductions in our R&D spend,
19 our expansion of manufacturing facilities, and,
20 therefore, the development of new cutting-edge
21 American IP. We believe this is the very
22 definition of disproportionate economic harm.

1 Our U.S. R&D and IP investments would
2 decline. Our non-U.S. competitors would obtain a
3 competitive advantage over Cree's American
4 operations, and the tariff would have no impact
5 on China's competitive IP practices.

6 We do not believe this outcome is what
7 the administration intended, nor do we believe it
8 meets the goals of the 301 investigation.
9 Therefore, we respectfully request that HTS
10 Number 8541.4020 come off the 301 list.

11 Thank you. I'm happy to answer any
12 questions.

13 MR. BISHOP: Thank you, Mr. Merritt.
14 Mr. Chairman, that concludes direct testimony
15 from this panel.

16 CHAIR ALLEN: Thank you to all for
17 their testimony. We'll go ahead and begin our
18 questions for the panel with Department of Labor.

19 MS. PETTIS: Hi. It's Maureen Pettis,
20 Department of Labor. I have a question for Mr.
21 Campbell. You've --

22 MR. BISHOP: I need you to get your

1 mike, please. Thank you.

2 MS. PETTIS: Sorry. You've analyzed
3 domestic and Chinese supplies of aluminum and
4 steel products used for food and beverage cans.
5 Are there non-Chinese foreign sources for
6 aluminum and steel that you can use, you do use
7 or can use outside of China?

8 MR. CAMPBELL: Thank you for the
9 question. Yes, there are. We source template
10 steel currently from South Korea, the UK,
11 Netherlands, and Germany, in addition to China.
12 And for the aluminum can sheet, Saudi Arabia,
13 Japan, South Korea, and Europe source, we source
14 product from those countries.

15 MS. PETTIS: Thank you.

16 MR. MOORE: Yes, Dewey Moore from the
17 Department of State. I have a question for Mr.
18 Gray. You testified that your company has a --

19 MR. C. GRAY: That would be Charles,
20 Charles Gray.

21 MR. MOORE: Yes, Mr. Charles Gray.
22 Yes. Sorry. Well, you had testified that

1 Teradyne uses a contract manufacturing facility
2 in China. In your written testimony, I believe
3 you mentioned that was in Suzhou. I was
4 wondering if you could discuss the feasibility of
5 shifting manufacturing operations to another
6 country.

7 MR. C. GRAY: Certainly. It would
8 take significant time and money, but it certainly
9 could be done. The facility that our contract
10 manufacturer has built in China, both they and we
11 have invested heavily in it for ten-plus years.
12 We believe it's a state-of-the-art facility, best
13 in the industry. So moving it would be
14 complicated, expensive, and timely.

15 Our product is also wildly complex.
16 There's only two companies in the world that
17 build this product, so it's not as if we're
18 making a toaster oven that we could simply pick
19 up and move the manufacturing somewhere else. So
20 it's a very complicated system. We have over
21 10,000 components in the product, so, obviously,
22 the supply chain has built up where the

1 manufacturing has built up, so we'd have to
2 rebuild the supply chain, in addition to moving
3 the manufacturing.

4 We think it would be three years and
5 many millions of dollars to do so. And also I
6 should add it would have no impact on technology
7 transfer in China, and it would have no impact on
8 the Chinese semiconductor industry if we picked
9 up and moved.

10 MR. MOORE: Thank you.

11 MR. C. GRAY: You're welcome.

12 MR. SULEWSKI: Hi, this is Adam
13 Sulewski with DHS. My question is for Valmet
14 Corporation. You had mentioned that Valmet has
15 production facilities in the U.S., in Finland, in
16 Sweden, and in China. Can you discuss the
17 feasibility of shifting production from your
18 facilities in China to those other facilities?

19 MR. M. GRAY: Sure. And it's very
20 complex. I guess the U.S. facilities, we don't
21 have any facilities in the U.S. that have
22 anywhere the capability to produce the size of

1 equipment we're talking about. When we talk
2 about paper machines, they're as long as a
3 football field and four stories tall and very
4 specifically designed.

5 It is potential to shift some of the
6 manufacturing to our European entities in Finland
7 and Sweden. It becomes a very logistical
8 challenging process for us. As with any company,
9 we try to balance our manufacturing capabilities
10 and keep our shops full. Delivery times are
11 already, at this point, 22 to 24 months for a new
12 paper machine, and moving that into other
13 facilities would further exacerbate the long
14 delivery times and the cost of doing such
15 transactions and the interruptions to our
16 sourcing would be very difficult for us.

17 MS. PSILLOS: Kate Psillos, Department
18 of Commerce. My question is for Mr. Shaw. You
19 discussed the difficulty of sourcing compressors
20 from outside of China. Can you elaborate on the
21 process of finding alternative suppliers and then
22 specifically the regulatory and safety

1 requirements involved for these compressors?

2 MR. SHAW: Sure. I'll try to answer
3 your question as best I can. So, typically, our
4 standards for qualifying a new compressor
5 supplier take us about 18 months, assuming that
6 that supplier has production capability and can
7 meet the various Department of Energy and EPA
8 guidelines, which are not always capable.
9 However, it's generally a global supply base,
10 and, given that 18 to 24 month time frame, it can
11 be done.

12 However, that supply base, which is
13 controlled by very few people, manufacturers a
14 good portion of these and our major competitors
15 manufacturer a good portion of these in China.
16 The point of the short-term pain is not so much
17 could it be done with 24-month lead time but the
18 advantage that foreign manufacturers importing
19 those same compressors into finished goods would
20 receive a benefit during that period of time.

21 CHAIR ALLEN: Thank you. A question
22 for Ms. Wilson of the Motor and Equipment

1 Manufacturers Association. So you discussed the
2 current lack of domestic sources for many of the
3 products subject to the proposed tariff. But in
4 your opinion, would more domestic or non-Chinese
5 suppliers come into the market with tariffs
6 imposed on Chinese products? That is to say,
7 would there be a market response in response to
8 those tariffs?

9 MS. WILSON: Well, thank you for the
10 question, but there may be a market response but
11 the market response may not be what we intend.
12 And I think that's one of the things we have to
13 guard against.

14 The first thing to look at is
15 basically automotive manufacturing overall in
16 North America. We have hit a plateau for vehicle
17 sales in this country. We do not anticipate
18 overall for it to grow steadily. But what you
19 see in Asia is a rapid opportunity for growth
20 both for original equipment, vehicles, parts, and
21 for the after-market. So that's the first thing
22 we have to look at.

1 The second thing is the availability
2 of certain technologies. So I brought this part
3 not just because it's heavy and it's helping me
4 lift weights but also because the sand that is
5 available in China to make this part is actually
6 not available in the United States. Now, what
7 our members are concerned about is that you can
8 easily say, well, we will no longer make this
9 part, and I think many of the other witnesses
10 have described what might happen with foreign
11 competition. But because the sale of vehicles
12 overall is really driven by the cost of vehicles,
13 which is about \$35,000, vehicle manufacturers may
14 then indeed try to find a lower price point and
15 we may lose the final assembly jobs in the U.S.

16 So this part is brought into the U.S.
17 and more assembly is done to it before it's
18 shipped to the vehicle manufacturer. We don't
19 want to lose those jobs. That's the other piece
20 of this.

21 And then, overall, what I think we're
22 seeing is we have in our industry a lack of

1 technical talent. If you talk to our CEOs, the
2 biggest problem they have right now in their
3 companies is filling current jobs that they have
4 open. So the ability for them to expand is
5 really driven by the ability for them to have the
6 right workforce, and we're not just talking about
7 engineers but we're talking about trained welders
8 and tool and die manufacturers and things like
9 that.

10 So, again, you may shift production,
11 but we're a global industry and you may shift it
12 to other areas other than the United States.

13 CHAIR ALLEN: Thank you.

14 MR. WINELAND: I'd like to direct my
15 question to Mr. Hull of Precision Components. In
16 your testimony, you referenced 61 manufacturing
17 plants owned by multinationals in China. I'm
18 wondering if you could share with us a little
19 more on alternative sources of commodity and
20 consumer-level bearings from countries outside of
21 China.

22 MR. HULL: Thank you for the question.

1 The 61 factories in China are producing primarily
2 commodity-level products for those global
3 companies, in large part, for the Asian market
4 and they no longer manufacturer any of those
5 sizes in the United States. Twenty years ago, I
6 used to sell 40 million bearings a year to U.S.
7 manufacturers of windshield wiper motors and
8 power tools, vacuum cleaner motors. Those
9 manufacturing facilities aren't in North America
10 anymore. They're in Mexico and Asia.

11 Did that answer your question? Would
12 you like more?

13 MR. WINELAND: Yes --

14 MR. HULL: I can talk for days on this
15 subject.

16 MR. WINELAND: Well, just to, if you
17 can elaborate more on potential alternative
18 sources outside of China, recognizing what you
19 just said about the U.S. manufacturing now. But
20 are there other countries, you referenced Mexico
21 and Asia generally, but could you be a little
22 more specific?

1 MR. HULL: Well, Leonardo da Vinci
2 sketched the first ball bearing, so there aren't
3 a lot of new technology advances. The industry
4 developed in Europe and then in the '40s, '50s,
5 '60s, the United States, and then in the '60s
6 Japanese manufacturers with the dimming process
7 became very prominent in the world market for
8 bearings. And it is since migrating to China.
9 But China hasn't gone through the consolidation
10 and agglomeration process, so the reason there
11 aren't any major bearing producers in the top ten
12 from China is to be in that league you've got to
13 be five billion a year plus. And with over 2,000
14 bearing manufacturers in China, you know, they're
15 in the \$50 million range.

16 So China does a good job of organizing
17 the standardization of these products. They
18 pattern it after the specifications from the
19 American Bearing Manufacturers Association and
20 the ISO specifications out of Europe. But
21 they're still in a copying/following stage, so
22 the U.S. producers have moved that production

1 equipment from the United States to China to make
2 those bearings.

3 It's an extremely expensive industry
4 to get into. I mean, you need a million dollars'
5 worth of equipment to make a million dollars'
6 worth of bearings a year, and U.S. producers of
7 bearings would rather focus on the newer
8 technologies that have higher margins.

9 So China produces about 13 percent of
10 the world's bearings. The United States still
11 produces about 23. So, you know, there really
12 isn't a big opportunity to move that low-tech
13 stuff back to the United States for anybody who's
14 interested in making a profit. Thank you.

15 CHAIR ALLEN: This question is for
16 Greg Merritt of Cree. Kind of in a similar vein
17 to the question posed by my colleague, you
18 referenced in your testimony non-U.S. competitors
19 for Cree, and I wonder if you could give a bit
20 more granularity on, you know, who these major
21 foreign competitors are and, most specifically,
22 whether they also manufacturer LED components in

1 China. So in other words, are there alternative
2 places to manufacturer LED components?

3 MR. MERRITT: Sure. So the LED
4 component market is primarily serviced by Cree,
5 OSRAM which is a German company, NICHIA which is
6 a Japanese company, Samsung which is a Korean
7 company, Seoul Semiconductor which is a Korean
8 company, Lumileds which is a U.S.-based company
9 but is owned by a British private equity firm.
10 And those are the big guys.

11 Most of those firms are in similar
12 situations to Cree in that they keep the
13 intellectual property heavy part of their
14 business in their domestic facilities, but they
15 package their products elsewhere. Typically,
16 that's Malaysia, the Korean folks do it in Korea.
17 And I believe many of the other ones have
18 facilities in China but, unlike Cree, they have
19 facilities elsewhere in Asia, as well, so they
20 can ship anything they want to ship to the U.S.
21 to a non-China packager.

22 CHAIR ALLEN: Thank you. That

1 concludes our questions for this panel.

2 MR. BISHOP: We dismiss this panel
3 with our thanks, and we invite the next panel to
4 be seated, please.

5 CHAIR ALLEN: Mr. Bishop, we are ready
6 for the next panel.

7 MR. BISHOP: Our first witness on this
8 panel is Ambassador Rufus Yerxa of the National
9 Foreign Trade Council. Mr. Ambassador, you have
10 five minutes.

11 AMBASSADOR YERXA: Thank you, Mr.
12 Chairman and members of the panel. National
13 Foreign Trade Council has submitted comprehensive
14 testimony to you describing --

15 MR. BISHOP: I apologize. Could you
16 move your mike a little bit closer to you,
17 please? Thank you.

18 AMBASSADOR YERXA: Yes, sorry. My
19 organization, the National Foreign Trade Council,
20 has submitted comprehensive testimony to you
21 describing some of the concerns we have about the
22 proposed imposition of tariffs. Let me just say

1 a few things in summary of that testimony.

2 First of all, as you probably know,
3 NFTC is a broad-based organization focusing on
4 strengthening global rules for the trading system
5 and opening foreign markets to U.S. products.
6 Our organization really spans the breadth of the
7 U.S. economy and covers all sectors of
8 manufacturing services, food production, other
9 things. Our companies account for more than \$3
10 trillion in sales worldwide and employ over six
11 million Americans.

12 Now, the first thing I'd like to say
13 is that our member companies do have very
14 significant concerns about the growing use of
15 trade, investment, IP policies in China that deny
16 national treatment and impose discriminatory
17 burdens on them. We've outlined these practices
18 for you in numerous submissions. And we
19 definitely applaud the administration's efforts
20 to identify those practices, to document them
21 more fully, and to begin to examine them and to
22 raise them forcefully both in bilateral and

1 multilateral settings to try to address China's
2 behavior going forward.

3 In our view, China must address the
4 legitimate concerns of the U.S. and other
5 partners about these measures. Failure to do so
6 will seriously erode international support and
7 public support in the U.S. for expanded in trade
8 and investment with China.

9 So we think your report provides a lot
10 of convincing evidence, and it should be used as
11 a roadmap to convince other trading partners to
12 join us in pressing China to reform its policies,
13 and we think that it is absolutely crucial to
14 have a really coordinated global effort with our
15 trading partners to get China to address these
16 problems.

17 And you should use this report to gain
18 broad acceptance of a strategy among like-minded
19 government in the WTO, the G20, and other bodies
20 aimed at convincing China of the need to change.
21 And we believe only through such an initiative
22 can we exert sufficient pressure to convince

1 China that its practices and policies are
2 unsustainable.

3 But we do believe that unilateral
4 imposition of remedies proposed by the
5 administration or the potential investment
6 measures contemplated, particularly prior to
7 achieving any broader global support for such
8 measures or before any substantial long-term
9 effort to negotiate removal of these practices
10 would do greater harm than good to the U.S.
11 economy and would be unlikely to be effective in
12 eliminating China's discriminatory acts,
13 policies, or practices.

14 So unilateral imposition prior to any
15 meaningful negotiations will raise charges that
16 the U.S. is going forward with respecting its
17 international commitments and it will turn the
18 focus from China's unjust behavior to the
19 legitimacy of our own action. We outlined in our
20 testimony a number of specific potential impacts
21 of the premature imposition of tariffs on U.S.
22 manufacturers, U.S. technology companies, and

1 U.S. competitiveness, particularly since so many
2 of them are focused on products that are part of
3 the supply chain and that are necessary inputs to
4 our companies to be competitive. So it has the
5 paradoxical effect of making our own companies
6 less competitive in global commerce and actually
7 handing advantages short-term to our competitors.

8 So I won't go through all of those
9 examples. I'd be glad to discuss them with you
10 in detail when we get to questions.

11 Let me just end by saying the overall
12 focus of the 301 investigation should be to bring
13 China to the negotiating table for a meaningful
14 resolution of specific sector-by-sector issues
15 with the ultimate goal of obtaining an agreement.
16 It's critical for the administration to identify
17 and outline the specific actions it seeks from
18 China to resolve the Section 301 investigation to
19 the maximum benefit of our own trade and
20 investment interests, and we need to work with
21 our allies and major trading partners to do that.

22 Section 301 was designed to be used as

1 a means to an end, not as an end in its own
2 right. And it must be part of a carefully-
3 orchestrated, deliberate, and defensible effort
4 to dissuade other countries from engaging in
5 unfair behavior. For this to work effectively,
6 the administration should focus its efforts on
7 resolving other frictions with our key trading
8 partners in Asia, North America, and Europe, and
9 then use all aspects of bilateral and
10 multilateral diplomacy to highlight China's
11 unfair behavior and mobilize global support for
12 changes in that behavior.

13 Thank you very much.

14 MR. BISHOP: Thank you, Ambassador.
15 Our next witness is Eva Hampl of the U.S. Council
16 for International Business. Ms. Hampl, you have
17 five minutes.

18 MS. HAMPL: Thank you. USCIB welcomes
19 the opportunity to testify on the proposed
20 Section 301 tariffs today. As an organization,
21 we promote open markets, competitiveness, and
22 innovation and our roughly 300 members include

1 top U.S.-based global companies and professional
2 services firms from every sector of our economy
3 with operations in every region of the world.

4 We believe that the imposition of
5 tariffs will not achieve the important goal of
6 changing China's behavior in the space of
7 emerging technologies and intellectual property
8 rights. China's threat of retaliation further
9 exacerbates uncertainties caused by this proposed
10 action. Rather than create more opportunities
11 for U.S. business, sweeping tariffs will stifle
12 U.S. agriculture, goods, and services exports and
13 raise costs for businesses and consumers.

14 To address these issues, a holistic
15 structure is needed. USCIB applauds the
16 administration for also looking at alternative
17 approaches, such as initiating a WTO dispute by
18 requesting consultation with China. It is
19 important for the administration to address these
20 issues with a broad view, working collectively
21 with U.S. industry, Congress, and our like-minded
22 trading partners to adequately address China's

1 unfair trade practices and get China to be WTO
2 compliant. In addition to engaging the WTO
3 process, this should include developing a
4 strategy with clearly-defined objectives and
5 direct negotiating mechanism with the Chinese,
6 targetable deliverables, and deadlines with
7 measurable results.

8 China can be a challenging market for
9 U.S. companies to navigate. Made in China 2025
10 is certainly an indication that China plans on
11 further advancing and developing their high-tech
12 industries with the eventual goal of global
13 dominance in those industries through
14 uncompetitive means, such as subsidies. While
15 this unfair advantage to Chinese companies in
16 this space is a legitimate threat to U.S.
17 leadership in innovation and high tech, continued
18 engagement in the Chinese market is also very
19 important for U.S. companies in terms of their
20 ability to be globally competitive.

21 If the government does proceed with
22 the strategy of imposing tariffs however, there

1 are several important concerns we would like to
2 raise to alert the administration to the
3 consequences of moving forward on imposing
4 tariffs on such a comprehensive list of products.
5 In our written submission, we highlight specific
6 products we recommend be taken off the list.

7 The proposed tariffs pose a unique
8 challenge to industrial inputs, which represent
9 over 80 percent of the proposed list. Tariffs on
10 industrial goods are especially problematic
11 because they represent not just a tax on
12 consumers, as all tariffs do, but also a tax on
13 U.S. manufacturers and workers and on the
14 products they export.

15 Tariffs on aerospace machinery and IT
16 parts and other advanced technologies can
17 undermine the most competitive sectors of
18 American manufacturing, driving up production
19 costs in the U.S., impacting U.S. manufacturing
20 employment, and making U.S. manufacturers less
21 competitive against rivals. Tariffs on
22 industrial parts imported into the U.S. could

1 even have the unintended consequence of prompting
2 manufacturers to move final production outside of
3 the U.S.

4 To see how U.S. companies will be
5 affected by the tariffs, it is important to look
6 at how the supply chain functions. China is the
7 second-largest economy and the largest
8 manufacturing economy in the world. We cannot
9 ignore that China may have some unique
10 capabilities at the product level that U.S.
11 businesses need to tap into in order to remain
12 globally competitive.

13 For many products or inputs, there is
14 no feasible alternative to procuring from China.
15 Sourcing from China may also be necessary for
16 U.S. businesses in cases where alternative
17 suppliers already face capacity constraints and
18 cannot support new demand and are, therefore,
19 unavailable.

20 Also, in a case where U.S. business
21 may, in fact, own the production facility in
22 China where a particular product on the tariff

1 list is made, these tariffs don't hurt Chinese
2 businesses. They hurt that U.S. company, as well
3 as its U.S. workers and its U.S. suppliers who
4 need those parts to continue making world-class
5 manufactured goods in the U.S.

6 Sourcing outside of China could also
7 significantly affect production due to
8 qualification and certification requirements.
9 For industrial parts, the process can be very
10 complex. Qualifying to join a U.S. manufacturer
11 supply chain is a multi-step process that can
12 take up to three years, even longer if the part
13 requires federal certification.

14 In cases affected by those scenarios,
15 if the administration insists on imposing
16 tariffs, the government must be prepared to defer
17 the implementation of the tariff on that product.
18 Otherwise, immediate imposition of the 25-percent
19 tariff before any alternative can be qualified
20 will simply be a direct hit to U.S. businesses'
21 profitability and competitiveness. Without such
22 an allowance, competitors in Europe, Japan, and

1 elsewhere will immediately gain a significant
2 advantage in global markets.

3 We urge the administration to use this
4 process, this 301 process to ensure that its
5 actions do not inadvertently harm some of the
6 most competitive sectors of the U.S. economy and
7 the hundreds of thousands of American jobs that
8 depend on them.

9 Thank you for the opportunity to
10 testify. And we look forward to questions and
11 continued engagement on this important issue.

12 MR. BISHOP: Thank you, Ms. Hampl.
13 Our next witness is Erik Autor of the National
14 Association of Foreign Trade Zones. Mr. Autor,
15 you have five minutes.

16 MR. AUTOR: Thank you. I'm Erik
17 Autor, President of the National Association of
18 Foreign Trade Zones. On behalf of the
19 association and its members, my testimony focuses
20 on the impact companies operating in U.S. foreign
21 trade zones expect from proposed 25-percent
22 tariffs on \$50 billion worth of targeted imports

1 from China under Section 301.

2 NAFTZ is the voice of the U.S. foreign
3 trade zones' program created by Congress in 1934
4 to help U.S.-based companies be more globally
5 competitive, maintain U.S.-based activity and
6 jobs, attract investment to American communities,
7 and boost exports through special duty benefits
8 and customs procedures. FTZs account for a
9 significant portion of total U.S. trade, 5.2
10 percent of \$76 billion of U.S. goods exports and
11 10.2 percent or \$225.3 billion of U.S. goods
12 imports in 2016. Over 420,000 American workers
13 are employed at FTZs in all 50 states and Puerto
14 Rico.

15 NAFTZ agrees that China's intellectual
16 property rights violations, forced technology
17 transfers, and state interventions warrant
18 appropriate action. However, NAFTAZ represents
19 many internationally-competitive companies and
20 industries, including energy, automotive,
21 aerospace, pharmaceuticals, and consumer
22 electronics that rely on China and other

1 countries to supply inputs necessary for their
2 U.S. production and also include China as a key
3 export market.

4 Accordingly, we share the serious
5 concerns of many U.S. business organizations
6 about the adverse consequences Section 301
7 tariffs pose for U.S. manufacturing, exporting,
8 and consuming industries, including creating
9 strong incentives to manufacturer abroad as U.S.
10 production costs increase and imported goods
11 become more competitive in the U.S. market.

12 This scenario also threatens to
13 undercut important FTZ program goals: one, to
14 sustain the U.S.-based manufacturing and jobs by
15 equalizing duties on U.S.-made and foreign-made
16 products and, two, eliminate situations where
17 U.S. manufacturers pay significantly more than
18 foreign exporters in U.S. duties because duties
19 on inputs are higher than on the final product.

20 To mitigate these problems, NAFTAZ
21 believes it's essential for the Section 301
22 process and other trade remedies actions to

1 establish an effective ongoing product exclusion
2 request procedure enabling companies to secure
3 exclusions from duties for certain imported
4 materials, including finished products
5 manufactured in U.S. zones.

6 Another critical issue for FTZ
7 manufacturers in trade remedies proceedings is
8 that finished goods approved by the U.S. Foreign
9 Trade Zones Board for Zone Production must not be
10 incorrectly considered foreign origin for U.S.
11 Customs entry purposes and must be explicitly
12 exempted from additional tariffs in presidential
13 proclamations. Our May 11th written comments
14 provide an example illustrating the potential
15 problem and include recommended proclamation
16 language to ensure goods finished the U.S. zone
17 are not inadvertently subject to additional
18 duties.

19 The Section 301 action would also
20 require FTZ manufacturers to admit any subject
21 articles into a U.S. zone under so-called
22 privileged foreign status and pay the additional

1 duties when the finished product incorporating
2 those articles is entered into U.S. commerce. In
3 laying out the privileged foreign process for
4 FTZs, it is essential that proclamation language
5 avoid including language used in the March 22nd
6 presidential proclamations on steel and aluminum,
7 which read any steel or aluminum article that was
8 admitted into a U.S. foreign trade zone under
9 privileged foreign status prior to the effective
10 date of the duties will likewise, emphasized, be
11 subject upon entry for consumption to any rates
12 of duty imposed by this proclamation. NAFTAZ is
13 unaware of any past proclamations containing such
14 language and imposing additional duties upon
15 filing a customs entry on merchandise in an FTZ
16 that was under PF status prior to the effective
17 date of such duties.

18 This condition penalizes FTZ users for
19 manufacturing in the United States and
20 contravenes language in the Foreign Trade Zones
21 Act and customs regulations regarding the
22 election of PF status on merchandise and zones.

1 NAFTZ also has several other technical
2 issues regarding treatment of foreign trade zones
3 merchandise in this and other trade remedies
4 actions. As time is limited, I'll refer the
5 committee to our May 11th comments for more
6 detailed discussion, including additional
7 recommendations for presidential proclamation
8 language to provide better and clearer guidance
9 to FTZ manufacturers.

10 Thank you for your attention.

11 MR. BISHOP: Thank you, Mr. Autor.
12 Our next witness is Sage Chandler of the Consumer
13 Technology Association. Ms. Chandler, you have
14 five minutes.

15 MS. CHANDLER: Thank you. Thank you
16 for the opportunity to appear here today. I am
17 Sage Chandler, the Vice President for
18 International Trade at the Consumer Technology
19 Association. CTA remains opposed categorically
20 to the use of tariffs to address the trade
21 imbalance with China because of the high
22 likelihood of short-term and long-term negative

1 impacts on our member companies, on the U.S.
2 economy, and on U.S. jobs.

3 CTA represents more than 2200
4 companies from every facet of the consumer
5 technology industry, including manufacturers,
6 distributors, developers, retailers, and
7 integrators. Over 80 percent of our members are
8 small businesses, as defined by the SBA. And our
9 trade relationship with China is of significant
10 importance to our members. They rely on the
11 global supply chain to compete and to sell.

12 Of the administration's lists of 1300
13 products for proposed tariffs, our members
14 identified 193 codes of which a potential 25-
15 percent tariff would cause them great harm. Our
16 small companies in particular noted that they
17 would not be able to switch sourcing from China
18 to another country at all or at least, if they
19 could, without significant disruption to their
20 businesses. Moreover, the majority said that if
21 they could switch sourcing, it would not be to
22 the United States.

1 Other members, including innovative
2 startups, expressed concern that the proposed
3 tariffs put them at a disadvantage vis a vis
4 their foreign competitors. This is of particular
5 concern to our member company Local Motors. It's
6 a small innovative startup, veteran-owned, former
7 military, designing vehicles for use in the
8 military and other vehicles. They're based out
9 of San Francisco, and this ground mobility
10 company prefers to use American-made product but
11 notes that oftentimes there are things that they
12 cannot get here.

13 Their local micro factories employ
14 Americans in five states. They have
15 manufacturing facilities, sales, and I brought a
16 little picture here, show and tell. This is a
17 really cool vehicle that they've designed. They
18 do crowd-sourcing. They're working with DARPA
19 and the military to design advanced vehicles for
20 military use, and they've got a really neat
21 model. So there's that.

22 They believe that the additional cost

1 of tariffs could up their build materials cost by
2 about 5 to 12 percent and put them at a big
3 disadvantage to their two main French
4 competitors, also slowing their production and
5 ability to grow the market share.

6 Some of our startup companies also
7 feel that tariffs and the associated market
8 uncertainty could keep their products from going
9 to the market altogether. For example, I'd like
10 to talk about our member company HiberSense which
11 is due to launch on June 1st. They are afraid
12 that this market uncertainty could harm their
13 investors and their ability to get their products
14 to market. The majority of their product is
15 produced in the United States. All their design,
16 engineering, and manufacture of the majority of
17 it happens right in Pittsburgh. They're a
18 Pittsburgh startup. Two students and a professor
19 got together to look at home temperature control,
20 and they're using really smart technologies but
21 they rely on one piece from China that's just a
22 control device, what we have identified on the

1 tariff list as a thermostat. But they've
2 retrofitted this to their products that they
3 manufacture in Pittsburgh, and the cost to them
4 of switching sourcing, if they could, would be
5 one full year plus of development of their
6 product.

7 So of those companies that I've just
8 mentioned, there are six states represented with
9 their employment and their manufacturing. And
10 CTA and the National Retail Federation did a
11 study on the impact for jobs. I just highlighted
12 those six states. This is not the impact on
13 these two small companies' jobs but this is jobs
14 that we estimate that would be lost in each of
15 those states for tariffs imposed by the
16 administration and then the retaliatory tariffs
17 from China.

18 So in conclusion, we believe that
19 there are other actions that the administration
20 can take. We believe in the use of Section 337
21 for example, better promotion of existing
22 programs, like the Foreign Commercial Service and

1 operations on the ground with ICE and DHS. The
2 WTO is an excellent avenue. We have a lot of
3 experience domestically in some of the areas that
4 you're looking to address in patent and IP. We'd
5 be happy to help, and I look forward to taking
6 questions. Thank you.

7 MR. BISHOP: Thank you, Ms. Chandler.
8 Our next witness is Erin Ennis of the U.S.-China
9 Business Council. Ms. Ennis, you have five
10 minutes.

11 MS. ENNIS: Thank you. Hello from the
12 back row. My name is Erin Ennis. I'm Senior
13 Vice President of the U.S.-China Business
14 Council. We represent over 200 American
15 companies that do business with China.

16 USCBC agrees with the Trump
17 administration that China needs to improve
18 intellectual property protection and end policies
19 and practices that require technology transfer as
20 the price for market entry. At the same time,
21 USCBC wants to see those issues addressed with
22 solutions, rather than with sanctions such as

1 tariffs that will inflict damage on U.S. economic
2 interests. We support results-oriented dialogue
3 to resolve the issues in coordination with other
4 trading partners inconsistent with international
5 trading rules. We urge the administration to
6 seek measurable commercially-meaningful outcomes
7 that will improve the business environment in
8 China and level the playing field for American
9 workers and companies.

10 USCBC's testimony contains numerous
11 recommendations on how to achieve these goals.
12 The key aspect for meeting the standard of
13 commercially-meaningful is going to be ongoing.
14 It's long-term diligence to ensure that progress
15 is achieved, it's fully implemented, and not
16 undermined by other policies that effectively
17 eliminate any gains that are achieved.

18 In addition, the U.S. would gain far
19 more leverage by working with like-minded
20 economies in a coordinated approach to China on
21 these issues, rather than a unilateral approach
22 that exposes American companies, farmers, and

1 workers to retaliation.

2 Finally, on investment, the
3 presidential memorandum announced that the
4 administration planned actions in response that
5 would also include investment restrictions in the
6 coming weeks. Inbound and outbound investment
7 are important drivers of economic growth and jobs
8 in the United States. While the Treasury
9 Department's proposal has not yet been
10 articulated, news reports about these policies
11 have raised considerable concerns.

12 One of America's fundamental economic
13 strengths is our open investment regime. Any
14 restriction on inbound foreign investment should
15 be confined to legitimate national security
16 threats defined as narrowly as possible and tied
17 to credible risks. Restrictions on outbound
18 investment by American companies should similarly
19 narrowly focus on legitimate national security
20 threats.

21 An undefined broad use of national
22 security is a justification for U.S. actions,

1 damages U.S. credibility as a leader of the
2 global trading system, and it validates China's
3 approaches that have used similar justifications.
4 Neither the United States nor its trading
5 partners should implement policies that parts WTO
6 commitments into simply the letter of the rules.
7 We must push ourselves and our trading partners
8 to implement policies that reflect the spirit of
9 those commitments, as well.

10 If existing rules fall short, we
11 should not abandon them but instead should take
12 the lead in trying to improve them. Thank you.

13 MR. BISHOP: Thank you, Ms. Ennis.
14 Our next witness is Raymond Keating with the
15 Small Business and Entrepreneurship Council. Mr.
16 Keating, you have five minutes.

17 MR. KEATING: Thank you. My name is
18 Raymond Keating. I'm Chief Economist with the
19 Small Business and Entrepreneurship Council, a
20 non-partisan, non-profit advocacy, research, and
21 training organization dedicated to protecting
22 small business and promoting entrepreneurship.

1 Thank you for this opportunity to summarize my
2 testimony on proposed tariffs on certain goods
3 coming from China.

4 SBE Council has long noted the
5 problems facing U.S. businesses, including small
6 firms, when it comes to China's falling short on
7 protecting intellectual property, for example.
8 The daunting question is how should the U.S.
9 proceed from a policy standpoint? Imposing
10 tariffs that is taxes on Chinese consumer,
11 intermediate, and capital goods imports merely
12 serves to inflict damage on U.S. consumers,
13 businesses, again including small businesses, and
14 workers and, thereby, undermining U.S. economic
15 growth.

16 The importance of free trade to the
17 U.S. economy must be kept in mind throughout the
18 discussion on trade policy with China. Free
19 trade that is lowering or low governmental
20 barriers to trade across borders among
21 individuals and businesses provides a host of
22 benefits, including lower prices and more choices

1 for consumers, expanded opportunities for
2 entrepreneurs and small businesses, and as
3 individuals in businesses specialize in those
4 areas where they have a comparative advantage and
5 then trade with others, economic and productivity
6 and income growth are boosted.

7 It's also important to keep in mind
8 that more than 55 percent of all U.S. goods
9 imports in 2017 were inputs for U.S. businesses.
10 That is, they were intermediate goods or capital
11 goods, part of the supply chain. So increasing
12 tariffs or establishing quotas on imports is, in
13 effect, imposing a tax increase on a wide array
14 of U.S. small businesses, such as manufacturers.

15 Consider that among U.S. manufacturing
16 employer firms, 75 percent have less than 20
17 employees. In fact, in terms of both exports and
18 imports, most U.S. businesses involved in trade
19 are small and mid-sized companies. For example,
20 76 percent of U.S. exporters have fewer than 20
21 employees, and the same goes for U.S. importers.

22 Zeroing in on U.S. trade with China,

1 the role of small business again becomes quite
2 clear, with 54 percent of U.S. exporters to China
3 having fewer than 20 employees. As for imports,
4 74 percent of U.S. importers relating to China
5 have fewer than 20 employees, 85 percent fewer
6 than 50 workers.

7 And in terms of the growth and the
8 number of employer firms involved in trading with
9 China, it has been nothing less than breathtaking
10 with a number of U.S. firms exporting to China
11 increasing by 668 percent from 2001 to 2016.

12 Given the prominent role that small
13 businesses play on the trade front, it follows
14 that the burdens of increased governmental costs
15 on and obstacles to trade, such as via tariffs or
16 quotas, will fall heavily on small businesses and
17 their employees.

18 This brings us back to the question
19 what is the best path forward on constructive
20 trade policy with China? Rather than imposing
21 tariffs and quotas that will only hurt U.S.
22 consumers and small businesses, the U.S. needs to

1 re-engage as a global leader for free trade.
2 Specifically, rather than playing tit-for-tat
3 protectionism, the U.S. would be better off in
4 standing up clearly for free markets, free trade,
5 and property rights, and showing other countries
6 like China what the real path to economic growth
7 is.

8 It is critical and far more
9 constructive to make clear to China that its
10 intellectual property violations only serve to
11 undermine its own investment in economic growth.
12 In fact, the best path forward would be to enter
13 into discussions laying groundwork for a China-
14 U.S. free trade agreement. Through that process,
15 the U.S. would be able to constructively advance
16 the cause for open markets and property rights in
17 China. A free trade accord between the world's
18 two largest economies would expand opportunities
19 for entrepreneurs and small business and workers
20 in both nations.

21 In the end, these proposed tariffs on
22 imports from China would cause disproportionate

1 economic harm to U.S. interests, including small
2 or medium-sized businesses and consumers. The
3 U.S. should step back from this proposal for
4 increased tariffs and instead engage with China
5 in a productive way through, if necessary, a
6 multi-year effort of agreements that make real
7 progress in reducing trade barriers and enhancing
8 property rights with the ultimate goal, again,
9 being a China-U.S. free trade agreement.

10 Such an effort would generate
11 confidence among entrepreneurs, businesses,
12 investors, and in the markets, and create
13 significant benefits and opportunities for U.S.
14 small businesses, workers, and consumers.

15 Thank you for your time and attention,
16 and I look forward to questions and further
17 discussion.

18 MR. BISHOP: Thank you, Mr. Keating.
19 Our next witness is Jordan Haas with the Internet
20 Association. Mr. Haas, you have five minutes.

21 MR. HAAS: Thank you. Thank you,
22 members of the Section 301 Committee. Thank you

1 for holding today's public hearing. My name is
2 Jordan Haas, and I am the Director of Trade
3 Policy at Internet Association. IA represents
4 over 40 of the world's leading internet
5 companies. We support policies that promote and
6 enable internet innovation, ensuring that
7 information flows freely across national borders.

8 The U.S. internet platforms are a
9 significant driver of the U.S. economy. Internet
10 companies represent an estimated six percent of
11 U.S. GDP and account for nearly three million
12 American jobs.

13 In China, many U.S. internet companies
14 are either blocked from operating or are severely
15 restricted. It has been estimated that
16 approximately 3,000 internet sites are totally
17 blocked from the Chinese marketplace, including
18 many of the most popular sites in the world such
19 as Facebook, Twitter, Tumblr, Google Search,
20 YouTube, and Dropbox.

21 China's ongoing intellectual property
22 rights violations force technology transfer

1 policies and state interventions harm the digital
2 industry. Moreover, China imposes numerous
3 requirements on internet services to host,
4 process, and manage data locally within China and
5 places significant restrictions on data flows
6 entering and leaving the country. China's
7 business environment has cost U.S. services
8 billions of dollars in potential business.

9 We appreciate that the administration
10 has acknowledged and is trying to address these
11 trade barriers. Tariffs, however, are the wrong
12 solution to real problems.

13 Internet companies understand that
14 tariffs are hidden, regressive taxes that would
15 be paid by U.S. consumers in the form of higher
16 product prices and by hurting companies'
17 abilities to invest in future technology. Many
18 of the products that are currently on the
19 proposed list impact both how internet companies
20 function, what these companies sell, and products
21 that are key components of the next generation of
22 innovation. Enacting these tariffs will decrease

1 the global competitiveness of American technology
2 firms.

3 U.S. manufacturers of high-technology
4 products who rely on imported industrial inputs
5 to support jobs in the United States will see
6 import costs increase due to tariffs. Imported
7 hard drives and parts and accessories of printed
8 circuit assemblies are essential components in
9 technology products manufactured in the United
10 States, such as the servers that internet
11 companies depend on.

12 Levying of tariffs will represent a
13 tax on these U.S. manufacturers, workers, and the
14 products they build and export. This potentially
15 will make these products more expensive, raising
16 the price of finished goods and negatively
17 impacting U.S. jobs as foreign competitors gain
18 market share.

19 Optical fiber cables made up of
20 individual sheet fibers and bus bars are
21 essential components of the U.S. information and
22 communications technology industry and are widely

1 used in data centers which form the backbone of
2 the internet. While often assembled and sourced
3 in China, these products feature key components
4 made in the U.S. Including them on this list
5 will negatively impact how the digital industry
6 works.

7 Smart thermostats are an example of a
8 product of the internet of things sector where
9 the U.S. is a global leader. By 2020, the global
10 internet of things market is projected to grow to
11 \$457 billion, and smart home products like smart
12 thermostats will contribute to 14 percent of the
13 market value.

14 U.S. developers of internet of things
15 products largely conduct their research and
16 development and develop the software behind this
17 technology here in the United States and not in
18 China. This is the real value-add driving U.S.
19 smart product leadership.

20 In closing, we agree that it's time to
21 address China's unfair trade practices, but we
22 should do so in a way that doesn't punish

1 American firms and American families. Instead of
2 unilateral tariffs, the administration should
3 lead a coalition of countries that share our
4 concerns about China and its unfair trade
5 practices.

6 With that, thank you again for holding
7 today's hearing and giving us the opportunity to
8 testify. And I look forward to answering any
9 questions.

10 MR. BISHOP: Thank you, Mr. Haas. Our
11 final witness on this panel is Andy Binder of
12 Office Supply Solutions with HP, Incorporated.
13 Mr. Binder, you have five minutes.

14 MR. BINDER: Thank you and good
15 afternoon. I'm Andy Binder, Vice President and
16 General Manager of the Office Supply Solutions at
17 Hewlett Packard. I've been with HP 29 years,
18 serving in various engineering, sales, and
19 marketing roles, and I appreciate the opportunity
20 to testify today regarding the impact of certain
21 of the proposed tariffs would have on HP's
22 technology leadership. I will offer an

1 alternative solution that can achieve the same
2 results without the unintended consequences of
3 broad-based tariffs.

4 HP's print business is IP-intensive
5 and the company's substantial R&D investment have
6 helped build long-term economic value and jobs.
7 Infringers steal HP's IP and provide cheap rip-
8 off for our ink and toner cartridges. In this
9 regard, we're very supportive of the efforts to
10 curb these abuses. We are concerned, however,
11 that the proposed tariffs would actually help the
12 infringers and, thus, are seeking a few HTS
13 exclusions related to ink and toner cartridges.

14 HP is the worldwide leader of the
15 design, manufacture, and sale of printing
16 systems. This started with the innovation-
17 related to our thermal ink jet printers, and we
18 also developed the industry-changing laser jet
19 brand of printers, which are now in homes and
20 offices around the world.

21 Our technology leadership in print has
22 been enabled by our significant investments in

1 innovation. HP invests hundreds of millions of
2 dollars in research and development on imaging
3 and printing every year, resulting in over 19,000
4 patents worldwide related to various aspects of
5 ink and laser-based printing technologies.

6 A significant portion of this
7 investment is in our print-related R&D facilities
8 located in California, Idaho, Oregon, and
9 Washington, which together support thousands of
10 high-paying U.S. jobs. Given the importance of
11 IP development, protection, and the enforcement
12 to our business, we appreciate the
13 administration's commitment to assuring a level
14 playing field for IP-intensive industries
15 globally.

16 However, HP's business would be
17 adversely impacted by a number of the proposed
18 broad-based tariffs because it would still allow
19 products that are tainted by IP violations to
20 enter into the United States of America. Such
21 tariffs would not distinguish between legitimate
22 and illegitimate products and, therefore, would

1 indiscriminately raise prices for all consumers.

2 Ironically, an across-the-board tariff
3 would make these illegitimate products more
4 accessible and attractive relative to the
5 innovative products that customers might have
6 purchased otherwise. Frankly speaking, for the
7 printing supplies industry, these tariffs would
8 do more damage to consumers and intellectual
9 property right holders, like HP, than it would do
10 to the IP-infringing products. Such results
11 would conflict with the administration's goal of
12 minimizing consumer impact and would not be
13 effective at advancing the goals of Section 301
14 investigation.

15 We have certainly encountered IP-
16 related challenges in China. However, we don't
17 view broad-based tariffs as the most effective
18 response. We have found Section 337 of the
19 Tariff Act of 1930 to be the most effective tool
20 because it completely excludes patent-infringing
21 imports from the U.S. HP and others in our
22 sector have been successful in combating IP

1 violations by using Section 337.

2 In 2011, through several cases brought
3 against Chinese firms, HP obtained exclusion
4 orders that blocked imports that infringe our
5 patents. These orders are still in effect today.

6 It is important to appreciate that 337
7 actions are not only effective in the U.S. but
8 they are the cornerstone for effective IP
9 enforcement worldwide, even in China. With
10 respect to these products, we view Section 337 as
11 a more surgical and effective treatment, rather
12 than the blunt tool of tariffs. Tariffs will
13 cause unnecessary collateral damage, including
14 creating a market for IP-infringing products and
15 increasing costs to consumers.

16 HP respectfully requests the
17 administration exclude ink and toner cartridges
18 specified in our submission from the proposed
19 tariff list and encourage the expanded
20 utilization of trade remedies already provided
21 under Section 337 to exclude IP-infringing
22 products from entering in the U.S. market. On

1 behalf of HP, we appreciate the administration's
2 consideration of our request.

3 MR. BISHOP: Thank you, Mr. Binder.
4 Mr. Chairman, that concludes direct testimony
5 from this panel.

6 CHAIR ALLEN: Thank you. Thank you
7 very much for the testimony. Before we begin
8 questions from the panel, I did want to make a
9 plea to participants to consider in post-hearing
10 submissions referencing specific HTS numbers
11 where you have identified products. This is not
12 with respect to this panel in particular, but I
13 just would make that a sort of general admonition
14 for all participants. That would greatly help us
15 in sort of singling in and targeting in on what
16 the concern is.

17 And with that, I will briefly allow
18 our colleagues who have joined us for this panel
19 for the first time to introduce themselves. And
20 so I believe my colleagues over there have
21 already introduced themselves, but, from the
22 Department of Treasury, if you could introduce

1 yourself.

2 MS. MITCH: Hi. I'm Sage Mitch with
3 the Treasury Department.

4 MR. ADJEMIAN: And I'm Michael
5 Adjemian, Senior Economist with the Council of
6 Economic Advisors.

7 MR. O'BYRNE: And I'm Bryan O'Byrne
8 from the U.S. Small Business Administration's
9 Office of International Trade.

10 MR. WINELAND: Thank you very much.
11 Ambassador Yerxa, thank you for your testimony
12 today and the written submission. You counsel
13 close cooperation with like-minded trading
14 partners, as well as the goal of coming to the
15 negotiating table to seek positive outcomes. I
16 wonder if such efforts are unable to yield
17 successful outcomes with the Chinese, I noticed
18 you carefully used the word prior when you talked
19 about avoiding unilateral actions prior to
20 engagement with like-mindeds and with China at
21 the negotiating table. Would you still counsel,
22 if our efforts were not successful, would you

1 still counsel avoiding trade actions against
2 China?

3 AMBASSADOR YERXA: Well, first, let me
4 just mention to the Chairman thank you for the
5 point about HTS numbers. I think in our formal
6 written submission from NFTZ companies, we did
7 provide a number of those and will continue to
8 offer, and I think a number of other associations
9 are doing that in their written submissions.

10 Back to your question, I guess my
11 immediate answer would be I think we should cross
12 that bridge when we come to it. I do not want to
13 suggest that there would never be circumstances
14 under which the U.S. would be prepared to take
15 action which might involve some reciprocal
16 imposition of trade measures. In fact, the WTO
17 system and the dispute settlement system does
18 contemplate that for authorized retaliation
19 measures or authorized response from parties for
20 violations.

21 But I think we have a long way to go
22 in, first of all, building the global consensus

1 about China's practices and a long way to go in
2 outlining and defining exactly what we expect
3 with China. And I think, you know, I don't want
4 to rule out, I mean, I was a trade negotiator
5 myself, I know that you all in government, you
6 know, you need to have mechanisms which can get
7 the attention of trading partners and that's why
8 301 is there. I think we're a long way from that
9 point and the points people make here about the
10 potential unintended consequences and harms.

11 I think if the U.S. gets to the point
12 of doing that, it should do what it historically
13 did in 301 investigations which you're doing now
14 with these hearings, provide enormous amount of
15 input from the private sector before ever
16 announcing a retaliation list. I think that
17 would be a much better way to go and that was
18 certainly done in past exercises, rather than
19 announcing a list and dealing with the
20 consequences of the concerns of U.S. industry
21 afterwards. I think there needs to be more up-
22 front consultation. I think that has come after

1 a long period of defining what we want China to
2 do and getting the rest of the world on side in
3 that effort.

4 MR. ADJEMIAN: Ms. Chandler, could you
5 please provide us a post-hearing submission
6 listing the 193 HTS codes identified to cause
7 harm by your members and highlight those for
8 which alternative sourcing is not available?

9 MS. CHANDLER: We already submitted
10 that.

11 CHAIR ALLEN: Thank you. And to the
12 extent - it's entirely up to you, but to the
13 extent that the chart that you held up earlier is
14 not in the record, you may wish to submit
15 something along those - if it is already, my
16 apologies.

17 MS. CHANDLER: It's on the record.

18 CHAIR ALLEN: Okay, great.

19 MS. PETTIS: Mr. Bindler, I'm sorry,
20 Binder, in your testimony, you stated the view
21 that increased tariffs would favor illegitimate
22 ink and printer head products. Could you

1 elaborate on the connection?

2 MR. BINDER: I'm sorry, one more time?

3 MS. PETTIS: In your testimony, you
4 stated the view that increased tariffs would
5 favor illegitimate ink and print head products.
6 Could you elaborate on the connection?

7 MR. BINDER: Sure, yeah, thank you.
8 So we're a global manufacturer. We manufacture
9 all around the globe, including China, and so
10 those tariffs in the HTS codes are broad, so that
11 means that any products that fit those HTS codes
12 coming from China would receive the tariff.

13 And so if you have these products
14 where they have stolen intellectual property and
15 they're producing them at a lower cost than we
16 are producing them at, the tariff they will pay
17 is much lower than the tariff that we would pay.

18 And so we're actually going to have an
19 effect that's a higher price for consumers than
20 would be seen by these illegitimate products that
21 have a much smaller tariff placed on them.

22 CHAIR ALLEN: Just a follow-up on

1 that, you mentioned in your testimony that
2 Section 337 has been a very effective tool for
3 you and for your company.

4 Are you, by pointing to the concerns
5 about the impact on infringing products, are you
6 suggesting that it's not a sufficient remedy or
7 do you still view that as an adequate remedy to
8 address the impact of those infringing products?

9 MR. BINDER: Well, compared - so the
10 337 is the best remedy. It's effective. We
11 could always double down on our investment with
12 the help of the CBP to get even more than we have
13 today, but it's been a very effective tool and we
14 appreciate it.

15 The difference is it's like the
16 difference between a scalpel and a hammer for us
17 because now we can go specifically at those
18 people who are violating intellectual property
19 versus, like you said, broad-based tariffs
20 against us, HP included, for products that we
21 manufacture in China.

22 So it is the best tool. It is very

1 effective. We could double down our investment
2 on it and that would be very much appreciated by
3 myself and my company.

4 CHAIR ALLEN: Thank you. Just to
5 clarify, you're not suggesting that Section 337
6 is, you know, a tool that would address all of
7 the concerning practices that we have articulated
8 in our 301 report, right? So in terms of Section
9 337 as a substitute for tariffs, you're not
10 saying that it would address everything?

11 MR. BINDER: Well, in terms of the
12 categories for ink and toner cartridges, it would
13 address it for importation in the U.S. It would
14 address it.

15 MR. MOORE: My question is for Mr.
16 Keating. In your statement, you had noted the
17 damage to small businesses stemming from poor
18 intellectual property protection in China and
19 also how multi-year agreements could help make
20 progress in addressing this issue.

21 The question I have, however, is one
22 of which areas of IP protection need the most

1 urgent attention from the perspective of small
2 businesses?

3 MR. KEATING: Well, actually we've
4 heard from our members across the board in terms
5 of tech, high tech, golf manufacturing, golf club
6 manufacturers.

7 I cover some of that in the book that
8 I wrote on intellectual property kind of laying
9 out examples industry by industry, really, where
10 there are real challenges in the international
11 arena in general in protecting intellectual
12 property, so I think it does cut across
13 industries.

14 And it's an issue at home as well
15 obviously, so it's not unique to the
16 international arena, but from a small-business
17 perspective, these trade agreements help small
18 businesses much more than larger businesses,
19 right, because obviously a large business has,
20 you know, the legal department and the small
21 business does not.

22 So the fact that you can

1 institutionalize as much as possible, that's
2 great for small businesses. Now, again, the
3 question is, like I said in my testimony, how do
4 you go about dealing with China in a constructive
5 way where you don't do damage elsewhere?

6 MS. MITCH: Thank you. My question is
7 for Ms. Hampl. Could you provide additional
8 information on the cases noted in your statement
9 where U.S. businesses own production facilities
10 in China that are producing goods for the U.S.
11 market that would be on the tariff list?

12 MS. HAMPL: I'm sorry, can you just
13 repeat that really quick?

14 MS. MITCH: So this is, you noted in
15 your statement cases where U.S. businesses own
16 production facilities in China that are producing
17 back for the U.S. market that would be affected
18 by the tariff list, and I just wondered if you
19 could elaborate a little bit on any of those
20 cases?

21 MS. HAMPL: Thank you for the
22 question. So USCIB is an organization. We're

1 multi-sectoral by nature, so we're trying to
2 represent kind of all of the different sectors
3 and the scenarios across the board.

4 And one of the issues that we wanted
5 to address with that component of the testimony,
6 and it was also in our written submission, was to
7 address the industrial inputs because a lot of
8 this - you've heard probably a lot specifically,
9 you know, from steel companies. You've heard a
10 lot on the kind of retail and consumer side, and
11 this is a portion that we felt had really not
12 been appropriately addressed.

13 I don't know to what extent you've
14 heard this from perhaps specific companies that
15 have already testified as well, but this is an
16 example, and I don't have a very specific story
17 to go with this kind of example. I can submit
18 more detailed information from perhaps some of
19 the companies that we receive these examples
20 from.

21 But the issue that it addresses is
22 that the tariffs or these broad-based tariffs

1 seem to operate under what we would see as kind
2 of a false dichotomy that they will necessarily
3 help U.S. business, that they will somehow make
4 us more competitive, when in fact the way that
5 our global companies operate with their global
6 supply chains, it is not quite as simple. It is
7 not either you produce in the U.S. or you produce
8 elsewhere and there is one reason for doing it.
9 It is really quite a complex scenario.

10 So that example that you pointed to is
11 one where there are complex ownership structures
12 and where, even though the company is not located
13 on U.S. soil, U.S. ownership actually has results
14 of positive effects in terms of U.S. jobs and
15 benefits to the U.S. economy that are very direct
16 even though on its face, it may look like it is a
17 Chinese company that these tariffs are targeting.

18 MR. O'BYRNE: Ms. Ennis, your
19 submission includes an attachment with many
20 recommendations for addressing issues identified
21 in the Section 301 investigation. Many of these
22 matters have already been the subject of

1 commitments by the Chinese government in previous
2 negotiations.

3 However, as detailed in the written
4 report, those commitments have not been
5 implemented, so what in your view is the best way
6 to ensure that China will follow through on its
7 commitments that you call for in your statement?

8 MS. ENNIS: Diligence, and that's the
9 bottom line to all of this. I will commend many
10 of those of you who are on the panel today, the
11 fact that you have negotiated good outcomes, and
12 the only way that you can guarantee
13 implementation is that you are diligent in
14 following up and in ensuring that the, both the
15 specific wording of what you have committed to
16 and the spirit behind it of seeking that
17 fundamental change that many members of the
18 administration have spoken about is actually
19 implemented, but the only way that you can do
20 that is through continued dialogue and engagement
21 on not only how the market is functioning, but
22 how companies are experiencing the market.

1 MR. O'BYRNE: Thank you.

2 CHAIR ALLEN: Just a quick follow up
3 from that, you mentioned WTO commitments, and
4 existing rules, and the WTOI mechanism. Just to
5 clarify, you're not saying that the WTO rules as
6 they stand today are sufficient to address the
7 range of practices identified in the 301 report
8 as problematic?

9 MS. ENNIS: I would say this. I am
10 not a trade lawyer, so I'm not going to take a
11 position on whether USTR's views of its report,
12 that everything other than the WTO case that
13 you've brought is outside of WTO rules. It seems
14 like a lot of things in that, but I will leave
15 that to the trade lawyers to discuss, but I will
16 say this.

17 If the vast majority of the things
18 that were identified in the 301 report are indeed
19 outside of WTO commitments, that seems like a
20 really compelling reason to be working with our
21 trading partners at updating what those
22 commitments are to make sure that these problems

1 don't continue.

2 MR. SULEWSKI: This is Adam Sulewski
3 for DHS. This question is for the National
4 Association for Foreign Trade Zones. From your
5 testimony and your submission, we understand that
6 you are advocating that Chinese goods be exempt
7 from additional duties if those goods are entered
8 into foreign trade zones. Would there be some
9 way to adapt such a broad exclusion without
10 undermining the effectiveness of the proposed
11 trade action?

12 MR. AUTOR: Just to clarify, I don't
13 think we were suggesting that Chinese products as
14 a whole be exempt from being entered into, when
15 they're entered into a U.S. foreign trade zone.

16 What we want is some clarification on
17 how those products will be treated when the
18 presidential proclamation specifies that subject
19 goods imported and admitted into a U.S. foreign
20 trade zone have to be admitted in privileged
21 foreign status.

22 That is a very specific requirement

1 which basically attaches the duties at the time
2 of admission onto those imports, and those duties
3 then have to be paid when the final product
4 incorporating those inputs leaves the zone as
5 entered into U.S. Customs territory.

6 So the way the presidential
7 proclamations have issued in this and other trade
8 remedies actions has created a great deal of
9 uncertainty about how the privileged foreign
10 status would work in these contexts, and we have
11 asked for some better language that would provide
12 improved guidance to FTZ manufacturers.

13 And in addition, one of the problems
14 in the steel and aluminum was it attempts, as far
15 as we read it, to do a reach-back to impose the
16 duties, the additional duties on goods that were
17 already in a foreign trade zone under privileged
18 foreign status prior to the effective date of the
19 duties, which we don't believe has a prior
20 precedent.

21 The way the privileged foreign status
22 works for FTZs is that it essentially acts like

1 an entry. When the goods are admitted into a
2 zone under privileged foreign status, the duty
3 applicable at that time is the duty that is
4 assessed when those goods leave the zone and are
5 entered into U.S. commerce.

6 MS. PSILLOS: Kate Psillos from
7 Commerce. My question is for the Internet
8 Association. Mr. Haas, you testified that the
9 Internet Association recognizes the numerous
10 problems your members encounter in China, but
11 believe that the proposed tariff action is the
12 wrong solution. In your view, what else should
13 the United States do to address China's unfair
14 trade practices?

15 MR. HAAS: Yeah, as I mentioned also
16 in the - and thank you for the question. As I
17 mentioned also in the testimony, we believe very
18 strongly that a coalition of other countries is
19 the strongest mechanism for getting China to move
20 forward, and I think we saw where that can be
21 successful in laying out policies previously in
22 dealing with China and where past trade

1 agreements may have looked at multiple ways to
2 put pressure on China.

3 So I think those types of policies we
4 continue to support, but again, for many of our
5 companies that are strong players globally,
6 they're not able to compete in China because of
7 the practices in China.

8 CHAIR ALLEN: Following up on that,
9 very interesting comment about coalitions and so
10 forth. I just wonder if you could elaborate a
11 little bit on what your thinking is on how that
12 would work?

13 You know, the idea of a coalition of
14 countries is sort of one thing, but what you
15 think might be an appropriate path, you know,
16 that would be effective and would fulfill what
17 you're thinking about?

18 MR. HAAS: Well, again, for our
19 businesses, I laid out in my testimony a number
20 of the key issues that are blocking our
21 businesses, so having a list that we can get
22 other countries to coalesce behind, and then

1 taking that to China and looking at where China
2 does practice and where they are trading, and
3 engaging with those countries through a clear
4 list of objectives that would open the market for
5 internet-based businesses.

6 CHAIR ALLEN: Thank you, and I had
7 just one additional.

8 MR. HAAS: Yeah, of course.

9 CHAIR ALLEN: And I wanted to commend
10 you for listing all of the HTS codes very clearly
11 in your submission. We appreciate that very
12 much, so thank you for that.

13 MR. HAAS: I didn't read it, but I
14 assume you could.

15 CHAIR ALLEN: Well, it's here, so it's
16 very helpful, but I just wanted to make sure that
17 in each case, we were clear in terms of whether
18 there are alternative sources from China for some
19 of these inputs.

20 I think you mentioned a reference to
21 motherboard parts and other countries potentially
22 having the capability to produce these, but in

1 any event, I don't know if you have any general
2 comments you wish to make here or in post-hearing
3 briefs about the alternative sourcing issue?

4 MR. HAAS: Yeah, so again, with the
5 motherboards, 95 percent of them are coming from
6 China, and when you think about what's produced
7 here and how that becomes the backbone of the
8 businesses here for the internet-based business,
9 that is a huge share.

10 So being able to match that size of
11 demand for the need here - and remember, America
12 is the leader in internet economy and with
13 internet businesses for a reason: because we're
14 able to be at the forefront of technology and be
15 able to house the servers here. So having
16 products that we're able to use is useful. So 95
17 percent is a huge percentage and five percent
18 just is not going to match.

19 CHAIR ALLEN: Any additional
20 questions? With that, we will conclude the
21 panel. We want to thank everyone for their time
22 this afternoon. This has been extremely helpful

1 for us and we appreciate your patience with our
2 many questions. So I think at this point, we
3 will take a 10-minute break and resume at 2:45.

4 MR. BISHOP: We are in recess until
5 2:45. I would invite our next panel to come
6 forward and be seated and the last panel to take
7 a seat in our reserved witness area.

8 (Whereupon, the above-entitled matter
9 went off the record at 2:35 p.m. and resumed at
10 2:44 p.m.)

11 MR. BISHOP: Will the room please come
12 to order?

13 CHAIR TSAO: Good afternoon, my name
14 is Arthur Tsao. I'm an Assistant General Counsel
15 at the U.S. Trade Representative's Office and I'm
16 taking over for my colleague as the Chair for the
17 next two panels. I believe we have some new
18 members to the Section 301 Committee and I will
19 ask her to introduce herself.

20 MS. KORKOS: Hi, I'm Nicole Korkos
21 from the Council of Economic Advisors.

22 MR. BISHOP: Our first witness on this

1 panel is Judd Larned from Culligan International
2 Company. Mr. Larned, you have five minutes.

3 MR. LARNED: Members of the Committee,
4 thank you for the opportunity to appear today.
5 My name is Judd Larned. I'm the President of
6 Culligan International North America. Culligan
7 is a U.S. company founded in 1936.

8 It specializes in the manufacture and
9 distribution of water treatment and filtration
10 systems. We're based in Rosemont, Illinois and
11 directly employ approximately 300 people in the
12 United States. Today our products are in more
13 than two million homes and countless businesses
14 across the United States.

15 Culligan respectfully requests that
16 the USTR remove water filtration and treatment
17 products and parts from the list of products in
18 which USTR intends to impose increased tariffs.

19 We expect that the proposed tariff on
20 these products would affect approximately 85
21 million or 70 percent of our sales to our
22 independent distributors, and overall, the

1 estimated cost to Culligan of the proposed tariff
2 would be almost \$6 million.

3 The tariffs could also have a
4 significant detrimental impact on our over 500
5 independent Culligan franchises which operate
6 across 49 states. These small businesses each
7 employ on average about 10 people, so there are
8 more than 5,000 employees of small businesses
9 supported by the Culligan supply chain today.

10 If they absorb the price increase of
11 the proposed tariff, or if Culligan's ability to
12 supply products were disrupted, these franchises
13 would almost assuredly lose jobs.

14 Our subsidiary, Paragon Water, will
15 also be negatively affected. Paragon is a U.S.
16 company based near Clearwater, Florida. The
17 Paragon facility in Florida manufactures and
18 exports carbon block to China for incorporation
19 in its water filtration products which are then
20 imported back into the United States.

21 The proposed tariff would force
22 Paragon to shut down the operation of several

1 crucial product lines in their company-owned
2 factory in China, including refrigerator filters,
3 which would cause Paragon to reduce its U.S.
4 workforce significantly as demand for carbon
5 block would be significantly reduced.

6 Paragon expects that their estimated
7 cost of the proposed tariff could be up to \$10
8 million next year for a business with a revenue
9 of only \$70 million.

10 Culligan, our independent distributors
11 and Paragon all have very limited ability to bear
12 the burden of a significant cost increase.
13 Should we attempt to absorb these costs, we would
14 have to redirect funds that are currently
15 intended to drive growth in our business.

16 We are currently underway with plans
17 to increase our employee base by 10 to 15 percent
18 in the United States and these plans would have
19 to be reconsidered if the tariffs were put in
20 place.

21 We may have to - therefore, we may
22 have to consider raising our prices by up to 25

1 percent to the detriment of our customers who are
2 mainly single-family households and small
3 businesses.

4 In the water softener market, this
5 could lead to a \$650 per unit on average
6 increase, and in the water filtration market, it
7 could lead to a \$250 per unit average increase.
8 Any increase in price would likely significantly
9 depress sales and further harm our business and
10 that of our distributors.

11 In addition, elevating costs in this
12 market could have an impact on U.S. citizens
13 being able to access clean, healthy drinking
14 water in their homes when there are issues at the
15 local municipal water supply, which unfortunately
16 are happening with greater frequency as our
17 infrastructure ages.

18 A tariff increase on our products
19 would also put both Culligan and Paragon at a
20 disadvantage with respect to our competitors.
21 For example, in the drinking water systems
22 market, one of Culligan's key competitors is

1 Haier, a Chinese-owned company.

2 Our understanding is that Haier's
3 supply chain and drinking water systems are
4 sourced from Kemflo, a Taiwanese company,
5 Microfilter, a South Korean company, and from
6 Paragon, our U.S.-based subsidiary.

7 Paragon would be affected by the
8 proposed tariff increase, and as a result, Haier
9 could decide to source exclusively from the
10 Taiwanese and South Korean manufacturers. In
11 this way, Haier would likely be able to insulate
12 itself from the tariff increase.

13 In short, the Chinese company, Haier,
14 would come out the winner while two U.S.
15 companies, Culligan and Paragon, would be placed
16 at a severe competitive disadvantage.

17 The proposed tariff on our products
18 would ultimately not advance USTR's objectives in
19 addressing China's technology transfer and
20 innovation policies.

21 USTR has not found that Chinese
22 manufacturers of water filtration and treatment

1 systems like ours have benefitted from Chinese
2 industrial policies or any of the harmful
3 practices identified in the Section 301 report.

4 In addition, our products are not high
5 technology products. For these reasons, Culligan
6 urges USTR to remove our water filtration and
7 treatment systems from its list of targeted
8 products.

9 Our products are only a small portion
10 of the two tariff headings I have identified, and
11 our written comments suggest a way for USTR to
12 carve out a narrow category of products like ours
13 that are incorporated directly into plumbing
14 systems and used for softening or filtering water
15 flowing through sinks, refrigerators, showers,
16 toilets and tubs. This approach would be
17 consistent with USTR's focus on minimizing the
18 impact on consumers and small businesses. Thank
19 you for your time today.

20 MR. BISHOP: Thank you, Mr. Larned.
21 Our next witness is Ryan Rasmussen with Dover
22 Artificial Lift. Mr. Rasmussen, you have five

1 minutes.

2 MR. RASMUSSEN: Thank you. Good
3 afternoon. My name is Ryan Rasmussen. I'm here
4 today on behalf of Apergy ESP, LLC where I serve
5 as the Vice President and Managing Director of
6 electric submersible pumps or ESPs division. I
7 have worked in the artificial lift field for
8 nearly 15 years.

9 Apergy ESP Systems, LLC is a former
10 subsidiary of Dover Corporation and is based in
11 Broken Arrow, Oklahoma. As of May 2, 2018, we
12 are now a subsidiary of Apergy Corporation
13 headquartered in The Woodlands, Texas.

14 We are all aware of the resurgence of
15 U.S. oil and gas production in the shale plays
16 due to the advancements of horizontal drilling
17 and fracking, hydraulic fracturing. What you may
18 not have heard about are the ESP systems that are
19 actually used to produce these wells after the
20 frack has been completed.

21 ESP systems are an essential form of
22 artificial lift used by the U.S. oil and gas

1 industry to produce most oil wells, including the
2 prolific shale wells of the Permian Basin of
3 Texas and New Mexico and the Bakken Formation in
4 North Dakota.

5 Our innovative ESPs optimize fuel
6 production and mitigate risk in challenging well
7 scenarios such as high-volume wells, horizontal
8 and highly deviated wells, and deep high-
9 temperature wells.

10 We import certain ESP components,
11 power cables, motor leads and surface
12 transformers from China. The components are
13 imported under HTS subheadings 85446020,
14 85446040, 84139190, and 85042100.

15 The U.S. Trade Representative has
16 included these ESP components in its list of
17 products subject to a 25 percent tariff pursuant
18 to Section 301.

19 For the reasons I will be discussing
20 today, a tariff on these imported products will
21 undermine the administration's stated policy
22 objectives of protecting American manufacturing

1 jobs, promoting lower-cost energy sources, and
2 reducing our dependence on foreign oil.

3 Although we import foundational ESP
4 components from China, these products are simply
5 inputs which support downstream American
6 manufacturing jobs in the United States in our
7 100,000 square foot headquarters and technology
8 center in Broken Arrow, Oklahoma and at our
9 facilities in North Dakota and Texas.

10 Apergy employs over 2500 salaried and
11 fully benefitted U.S. workers who design,
12 assemble and customize application engineering
13 systems in the United States. Our ESP systems
14 support thousands of additional American jobs in
15 the oil and gas sector.

16 The proposed tariff will cause
17 Apergy's overall ESP system costs to increase by
18 as much as 20 percent. These additional costs
19 will be passed onto U.S. consumers through
20 increased prices in the U.S. market.

21 Because ESP systems are used to
22 produce 90 percent of U.S. shale, oil and gas

1 wells, consumers in the industry will be forced
2 to absorb these higher costs or look for
3 alternative sources.

4 Like Apergy, other American suppliers
5 depend heavily on China for ESP inputs, so the
6 tariffs will put our foreign competitors at a
7 significant cost advantage. Apergy and other
8 U.S. suppliers will likely lose market share to
9 our primary competitors which are Russian-based
10 companies.

11 The tariff will also result in a rise
12 in production costs for all the major shale, oil
13 and gas producers that depend on a reliable and
14 cost-effective supply of ESP systems. Such a
15 substantial increase in costs would jeopardize
16 these downstream businesses and their employees,
17 and ultimately could lead to downsizing and
18 layoffs.

19 At the same time, a tariff on ESP
20 components will be ineffective in combating the
21 Chinese intellectual property practices the U.S.
22 government seeks to change. The basic imported

1 components of the ESP system that I referenced
2 today have been manufactured in China for nearly
3 three decades and do not contain sensitive
4 technology or intellectual property.

5 These lower costs and technology
6 inputs from China are foundational elements that
7 support higher-level operations in the United
8 States. Again, the components are uniquely
9 configured into a more complex system by our
10 application and field engineers in the United
11 States, not in China.

12 For all of these reasons, the tariff
13 on ESP components and subcomponents is
14 detrimental to important U.S. interests and
15 policy goals. We respectfully request that these
16 products be removed from the USTR's list of
17 covered products. Thank you.

18 MR. BISHOP: Thank you, Mr. Rasmussen.
19 Our next witness is Jon Stokes with The
20 Flexitallic Group. Mr. Stokes, you have five
21 minutes.

22 MR. STOKES: Good afternoon. My name

1 is Jon Stokes. I'm the CEO of The Flexitallic
2 Group. I appreciate the opportunity to appear
3 before the 301 Committee and address the proposed
4 inclusion of spiral arm gaskets under HTS
5 8484.10.00 on the annex list.

6 Flexitallic developed and patented the
7 first spiral arm gasket used in the United States
8 in 1912. Flexitallic is the leading global
9 manufacturer of spiral arm gaskets and the market
10 leader for the production of spiral arm gaskets
11 in the United States.

12 Flexitallic has always owned and
13 controlled the intellectual property used to
14 manufacture its products. Today, the owner of
15 that technology and intellectual property is
16 Flexitallic Investments, Inc., a U.S. subsidiary.
17 None of it is owned or controlled by any entity
18 in China.

19 Our U.S. intellectual property and
20 technology is used in China by Flexitallic Gasket
21 Technology, another wholly-owned Flexitallic
22 subsidiary, to produce a significant quantity of

1 standard spiral arm gaskets in our own facility
2 that Flexitallic sells in the United States.

3 As Flexitallic has previously
4 indicated, the proposed inclusion of spiral arm
5 gaskets on the annex list will cause a
6 disproportionate negative impact to the economic
7 interests of the U.S. economy, including U.S.-
8 based manufacturers of spiral arm gaskets such as
9 Flexitallic, and the U.S.-based refineries,
10 chemical plants, petrochemical plants, power
11 plants and pipelines that are the end users of
12 spiral arm gaskets.

13 Additionally, imposing tariffs on
14 spiral arm gaskets will have no practical effect
15 or impact on the elimination or reduction of the
16 alleged unfair trade practices of China for at
17 least two reasons.

18 First, these products have no
19 connection to any of those alleged unfair trade
20 practices. These tariffs address practices that,
21 in our experience, are not found in this
22 industry. Targeting a remedy for unfair trade

1 practices against an industry that trades fairly
2 almost certainly dilutes the effectiveness of
3 that remedy.

4 Second, these tariffs, if imposed,
5 will not change the volume or profit margin for
6 Chinese producers. End user demand for spiral
7 arm gaskets is driven by maintenance activities
8 and construction projects.

9 A tariff-adjusted higher price will
10 not reduce near or midterm demand. Most U.S.
11 customers and end users view standard spiral arm
12 gaskets as a commodity and price as the primary
13 factor in the U.S. market. As a consequence,
14 Flexitallic and virtually all of its U.S.
15 competitors source their standard spiral arm
16 gaskets from China.

17 Additionally, there is no significant
18 alternative production in the United States. The
19 domestic industry produces higher-end, more
20 technologically sophisticated gaskets, and even
21 with the tariff applied to imports, would
22 probably not find domestic production of standard

1 spiral arm gaskets economically desirable.

2 In fact, the recently introduced steel
3 tariffs have already had the effect of increasing
4 the cost of domestically sourced raw materials,
5 further increasing the costs of U.S. production.

6 As a result, in the near and middle
7 term, the only effects of the tariffs on this
8 market is that end users would pay 25 percent
9 more. Chinese producers probably will not see
10 their margins or volumes impacted at all.

11 There is no intellectual property
12 related to standard spiral arm gaskets that can
13 be or would be stolen simply because the U.S.
14 manufacturers of these products have made them in
15 China.

16 Flexitallic Gasket Technology has
17 operated in China for several years and the
18 government in China has never exerted any
19 pressure on Flexitallic to transfer any
20 technology or intellectual property to China.
21 China has never taken any action regarding spiral
22 arm gaskets that has placed Flexitallic at any

1 competitive disadvantage to any Chinese company.

2 The proposed tariffs on spiral arm
3 gaskets have a substantial and disproportionate
4 negative impact on the U.S. economy. The
5 increased costs will be passed onto the variety
6 of end users of spiral arm gaskets, and those
7 increased costs to the end users will ultimately
8 be passed onto the U.S. consumers of gasoline,
9 oil, natural gas, plastics, petrochemicals,
10 chemicals, paper goods and electrical power.

11 Flexitallic respectfully requests that
12 this 301 Committee delete HTS 8484.10.00 from the
13 annex list because the inclusion of these
14 products will only harm the U.S. economy and the
15 interests of the U.S. gasket manufacturers, their
16 distributors, the U.S. end users who purchase
17 spiral arm gaskets and the U.S. consumers of the
18 products produced by those end users.

19 I have brought a sample of a spiral
20 arm gasket, and I would close by saying if you're
21 looking for a remedy that punishes Chinese
22 companies engaged in unfair trade practices

1 without damaging U.S. workers and companies,
2 tariffing this product is not that remedy. Thank
3 you.

4 MR. BISHOP: Thank you, Mr. Stokes.
5 Our next witness is Cammie Teems of Bestway
6 (USA), Incorporated. Ms. Teems, you have five
7 minutes.

8 MS. TEEMS: Thank you. Hello, ladies
9 and gentleman. My name is Cammie Teems and I'm
10 the risk manager at Bestway (USA) headquartered
11 in Phoenix, Arizona.

12 We thank you for this opportunity to
13 comment and bring our concerns to light in what
14 we view could be potential unintended
15 consequences with these newly proposed tariffs.

16 Bestway is the industry leader in the
17 over \$500 million above ground pool market - we
18 commonly refer to this as AGP, so that's what I
19 will be saying - and has devoted its efforts to
20 strengthening research, design, development and
21 manufacturing of high quality and innovating
22 outdoor leisure products.

1 We also actively invest in and pursue
2 more efficient alternative energy sources and
3 material recycling initiatives with an emphasis
4 on corporate sustainability and aiming to
5 minimize our impact on the environment.

6 Bestway believes that imposing the
7 proposed duties on the four HTS codes that we
8 identified in our written comments would cause
9 disproportionate economic harm to the U.S. pool
10 market, bring no economic or employment growth to
11 the U.S. and be ineffective in eliminating the
12 alleged acts, policies and practices of the
13 Chinese government.

14 The U.S. pool industry can be divided
15 into two basic categories, above ground pools and
16 inground pools. Most AGP products require
17 replaceable filter cartridges for their
18 filtration systems.

19 These filters do not include a high
20 degree of technology and are not typically IP-
21 intensive. To illustrate this point, I have
22 brought one of our cartridges for you to look at

1 the simplicity if you're interested.

2 And to the best of our knowledge, the
3 filter cartridges we currently import for these
4 AGP products are not manufactured anywhere within
5 the U.S. and there is currently no interest in
6 producing these low-tech, relatively inexpensive
7 products.

8 Bestway believes the proposed tariffs
9 would not only affect the AGP market, but would
10 also have an impact on inground pool markets
11 where it is well known that potential inground
12 pool customers typically start out as AGP owners.

13 It would make sense if your consumers
14 are purchasing AGPs at lower cost, then fewer
15 consumers will be making the transition to
16 inground pools.

17 According to industry research
18 studies, the AGP industry has grown over the last
19 five years due mainly to macroeconomic
20 improvements. It's expected that revenue within
21 this industry will expand even further over the
22 next five years, but this expectation is

1 predicated on the continued improvements of the
2 macroeconomic variables.

3 Needless to say, a tariff increase
4 from zero percent to 25 percent on these types of
5 products would not only be detrimental to the
6 commercial interests of U.S. retailers, but would
7 also serve to reduce the market share of this
8 industry significantly.

9 Additionally, when all is said and
10 done, it will be the retailers, consumers and
11 customers who will be expected to cover such an
12 increase in costs.

13 In conclusion, Bestway respectfully
14 requests that the USTR either eliminate the four
15 subheadings identified in our written comments or
16 we kindly request consideration be made to
17 clearly define AGP filtration systems versus,
18 say, the inground filtration systems in an effort
19 to distinguish this low-tech product associated
20 with the AGP systems.

21 Again, we thank you for this
22 opportunity and appreciate your time and

1 consideration.

2 MR. BISHOP: Thank you, Ms. Teems.

3 Our next witness is Rusty Tharp of Goodman Global
4 Incorporated. Mr. Tharp, you have five minutes.

5 MR. THARP: Thank you very much. Good
6 afternoon, Mr. Chairman and Members of the
7 Council. I am Rusty Tharp, Director of
8 Regulatory Affairs for Goodman Manufacturing
9 Company. Goodman is part of the Daikin Group.

10 I'm here today to respectfully request
11 that the USTR remove certain parts that Goodman
12 uses in the production of heating, ventilation
13 and air conditioning equipment, also known as
14 HVAC, from the proposed list of products subject
15 to additional tariffs. The five specific codes
16 are written in your written testimony.

17 I do want to provide you with a brief
18 background on Goodman and Daikin. Daikin is one
19 of the largest HVAC manufacturers in the world
20 and Goodman is one of the largest HVAC
21 manufacturers in the United States.

22 In 2012, Daikin acquired Goodman. Why

1 is that important? It's important because Daikin
2 had a vision of making the United States a major
3 manufacturing center for its HVAC products sold
4 in North America, and it has followed through.

5 After acquiring Goodman, Daikin and
6 Goodman constructed a factory outside of Houston,
7 Texas at an investment cost of half a billion
8 dollars. This facility, which began producing
9 HVAC equipment about a year ago, is known as the
10 Daikin Texas Technology Park or DTTP.

11 It's no ordinary plant. It's the
12 third largest manufacturing plant in the United
13 States. To put it in perspective, its roof
14 covers the equivalent of 74 football fields.
15 Daikin and Goodman anticipate having 7,000
16 skilled American workers at the DTTP by 2020.

17 Included within the DTTP is the North
18 American Research and Development Center which
19 has already resulted in a two-and-a-half times
20 increase in the number of engineers and technical
21 professionals since the acquisition of Goodman by
22 Daikin in 2012.

1 The goal of Daikin and Goodman is to
2 manufacture as many Daikin and Goodman products
3 for the North American HVAC market as possible at
4 our new DTTP facility.

5 In order to produce these products at
6 the DTTP, Goodman purchases parts from the United
7 States as well as globally, including from China.
8 The imposition of the 25 percent tariff will
9 negatively impact Goodman and the American
10 consumer by significantly increasing its cost of
11 operating in the United States.

12 Goodman believes that it is a poster
13 child for what President Trump and this
14 administration is trying to accomplish, and that
15 is making U.S. manufacturing great again, but
16 imposing these tariffs on some HVAC parts used by
17 Goodman, a company investing very heavily in U.S.
18 manufacturing, creating significant new jobs,
19 transferring R&D to the United States and
20 producing new and innovative products in the
21 United States would be counterproductive to the
22 administration's goals.

1 At the same time that the tariffs will
2 harm Goodman, its competitors that manufacture
3 finished products in facilities outside of the
4 United States will not be impacted by such
5 tariffs.

6 Because several other manufacturers
7 who sell HVAC products in the United States have
8 production facilities outside of the United
9 States, especially in Mexico, the finished HVAC
10 products that they import will not bear the same
11 cost because their finished products would not
12 face additional tariffs when sold in the United
13 States.

14 In other words, if the tariffs are
15 imposed on HVAC parts at issue, it will
16 incentivize Goodman's competitors to produce more
17 finished products in Mexico. We do not believe
18 that this is the result that the administration
19 intends.

20 As stated in our written testimony,
21 the HVAC parts that Goodman is importing are
22 produced from mature technologies that are not

1 considered by China to be strategic or advanced.
2 In addition, the HVAC parts imported by Goodman
3 are not going to advance China up the value
4 chain.

5 I would like to specifically mention
6 rotary compressors for HVAC products which would
7 be imported under HTS U.S. Code A414.30.80.
8 There are no U.S. manufacturers of rotary
9 compressors for HVAC products.

10 As noted in our written comments,
11 rotary compressors are decades-old technology and
12 including these products in the 25 percent
13 tariffs is simply a tax paid by the U.S.
14 consumer.

15 In short, imposing tariffs on imports
16 of HVAC parts that Goodman imports from China
17 would not influence the Chinese government to
18 alter or change the policies and practices
19 identified by the USTR in its Section 301 report.

20 In conclusion, Goodman applauds the
21 administration's efforts to remedy the
22 intellectual property issues impacted by China's

1 IP policies and practices. Nevertheless, the
2 additional tariffs that would be imposed on
3 certain HVAC parts that Goodman imports from
4 China would have a detrimental impact on Goodman
5 and our customers.

6 Harming a company like Goodman who is
7 investing very heavily in U.S. manufacturing
8 should not be the goal or unanticipated
9 consequence of the tariffs.

10 Therefore, Goodman urges the USTR not
11 to impose a 25 percent on rotary compressors and
12 other parts for HVAC products that we use in our
13 manufacture of HVAC products in the United
14 States. Thank you for the opportunity to
15 comment.

16 MR. BISHOP: Thank you, Mr. Tharp.
17 Our next witness is Dave Allen with Vista
18 Outdoor. Mr. Allen, you have five minutes.

19 MR. ALLEN: Thank you. Good
20 afternoon. My name is Dave Allen. I'm the Group
21 President of the Outdoor Products Segment of
22 Vista Outdoor.

1 Vista Outdoor is a leading global
2 designer, manufacturer and marketer of consumer
3 products in the outdoor sport and recreation
4 markets.

5 We serve these markets through a
6 diverse portfolio of brands that produce -- or
7 that provide consumers with a range of
8 performance driven, high quality and innovative
9 products including sporting ammunition and fire
10 arms, sports optics, golf range finders, outdoor
11 cooking solutions, hydration systems, performance
12 eye wear, action sports helmets and goggles, and
13 standup paddle boards.

14 Our ability to supply quality,
15 affordable products, is threatened by the
16 perspective Section 301 tariff list. Under this
17 proposed initiative, approximately 150 of our
18 Bushnell and Camp Chef products are impacted.

19 These products are covered by six
20 different HTS eight digit subheadings, and
21 include GPS range finder devices for golfers,
22 rifle scopes, and other products for hunters and

1 sportsmen, outdoor water heaters used to bathe
2 pets and fill children's pools, and hose adaptors
3 for outdoor propane grills.

4 We appreciate the support the
5 administration's goals. I'm not here to argue
6 about the approach of using Section 301 trade
7 sanctions against China. I understand they used
8 a broad approach aided by an algorithm in
9 developing the list totaling 50 billion dollars
10 in imports from China.

11 The problem is that the broad brush
12 approach sweeps up a lot of niche consumer
13 products that in our judgement will inflict more
14 harm on the U.S. than China.

15 I respectfully suggest that imposing
16 punitive tariffs on things like rifle scopes and
17 range finders, small outdoor water heaters, will
18 only lead to higher costs for hunters and
19 golfers, dirty dogs and cold kids with no impact
20 on China's IPR and industrial policies.

21 I will elaborate on this and conclude
22 by offering options to avoid harm on these

1 consumer markets. We employ 45 hundred total
2 employees in the U.S.

3 And are probably best known for our
4 shooting and camping products sold to consumers
5 under our Bushnell and Camp Chef brands. Which
6 are headquartered in Kansas and Utah
7 respectively.

8 Hunters, target shooters, and bird
9 watchers consider Bushnell a reliable, go to
10 brand. Bushnell also offers high quality, cost-
11 effective devices to help golfers better navigate
12 golf courses. And who wouldn't want some
13 additional help with that?

14 So if the 25 percent tariff is
15 applied, we estimate our duty costs would
16 increase nearly threefold. The higher costs
17 would be meaningful and substantial, affecting
18 our future investment plans in the United States.

19 Unfortunately, these costs would be
20 passed on to consumers causing our retail prices
21 to simultaneously increase. This likely will
22 have a negative effect on sales and our bottom

1 line, especially since all of our products on
2 this list are intended for the mass market.

3 This means that ordinary Americans
4 would be affected the most. We do not believe
5 USTR intentionally captured our products, because
6 we understand the methodology used was
7 specifically meant to avoid consumer goods.

8 We think that our products are
9 impacted simply because of their eight digit HTS
10 classifications, which include a wide variety of
11 other products that are not consumer goods.

12 Although considered innovative and
13 technologically advanced within each market
14 segment, the impacted products are not the type
15 of high-technology products China is targeting
16 with it's Made in China 2025 program.

17 These are not military grade rifle
18 scopes. They are mass market products for the
19 average hunter or target shooter.

20 The propane adaptors are meant for the
21 average backyard barbeque. They are not
22 industrial grade gas valves.

1 The inline water heaters are for
2 rinsing off at the beach, washing pets, filling
3 kiddie pools, and are not high capacity inline
4 heaters for building infrastructure.

5 Since our products have been swept up
6 in the trade maelstrom inadvertently, I would
7 like to offer options to resolve the problem.
8 One option would be to simply drop the identified
9 eight digit tariff subheadings from the list.

10 We think that this is viable as the
11 eight digit HTS subheadings do not seem to
12 contain critical products on an MIC 2025 list.
13 Another option would be to keep the eight digit
14 subheadings but exclude certain unintended
15 products.

16 Our submissions include language based
17 on objective criteria that customs and border
18 protections could easily enforce. I note that
19 antidumping and countervailing duty orders often
20 apply to portions of HTS headings.

21 The third option would be to create
22 additional ten digit breakouts based on the

1 definition we provided in our submission.

2 We recognize that there may be time
3 constraints on this last approach. However, we
4 think that it is viable and clear cut.

5 Whichever way you choose to better
6 target the Section 301 list, we implore you to do
7 so. The Administration said that it wanted to
8 minimize the impact on American companies and
9 consumers when compiling the list. Which is the
10 right thing to do.

11 Failing to remove these products from
12 the 301 tariff list will not have any meaningful
13 impact on China, but as currently constructed,
14 will significantly hurt Vista's ability to
15 provide outdoor recreational products to ordinary
16 Americans at practical prices.

17 Thank you for considering our
18 comments. And we hope to work with you to ensure
19 American companies and consumers are not hurt by
20 the Administration's 301 trade actions. Thank
21 you.

22 MR. BISHOP: Thank you Mr. Allen. Our

1 next witness is Kathleen Clas with Kodak Alaris,
2 Incorporated.

3 Ms. Clas, you have five minutes.

4 MS. CLAS: Thank you. Good afternoon.

5 My name is Kathy Clas. I'm the Director of
6 Global Business Operations at Kodak Alaris.

7 I've been at Kodak Alaris for four
8 years, and with the Eastman Kodak Company prior
9 for 32 years. And I've been in multiple
10 functions and business unit positions.

11 I want to thank you for your time and
12 consideration today to exclude the noted products
13 in our submission from the Section 301 action.
14 Kodak Alaris is an independent global technology
15 company formed in 2013. It's a spin off from
16 Eastman Kodak Company.

17 Although we license the Kodak brand in
18 our company name and for our products, we are a
19 standalone, privately held company. Kodak Alaris
20 has two primary business units that are the
21 subject of these comments.

22 The Alaris Division, a leading

1 provider of document and information capture
2 solutions. And the Kodak Moment's Division, a
3 provider of retail photo kiosks that you see in
4 retail locations such as CVS.

5 The Alaris Division portfolio includes
6 document scanners, software and services, and are
7 available worldwide. A significant portion of
8 our revenue is generated in the United States.

9 We are a trusted technology partner
10 for federal, state, and local governments in the
11 U.S., the U.S. military and vertical markets such
12 as healthcare, banking, insurance, education,
13 transportation, and logistics.

14 Some of our top customers are the
15 Department of Homeland Security, the IRS, the
16 Department of Transportation, the Supreme Court,
17 many local DMVs, many large educational
18 institutions such as Duke, Texas A&M, University
19 of Maryland, and FedEx.

20 The scanners we sell range in price
21 from five hundred dollars to 90 thousand dollars
22 per unit. They're manufactured in China and

1 imported for sale in the U.S. And are used for
2 numerous business applications such as the U.S.
3 census processing.

4 I'd like to share with you why the
5 proposed actions do not resolve the IP concern.
6 And in fact cause new substantial concerns for
7 U.S. customers and our business.

8 The R&D organization for Kodak Alaris
9 is located in upstate Rochester, New York. This
10 is where our numerous patents are developed,
11 owned, and managed, and protected.

12 Our scanner manufacturing facilities
13 are in China. One of which is wholly owned and
14 operated by Kodak Alaris with all Kodak Alaris
15 employees since 1986.

16 The second manufacturing facility is
17 owned by Liton, a Taiwanese company with which
18 we've been doing business for many years. Which
19 is renowned for its diligence in maintaining
20 confidentiality and protecting its customers' IP.
21 We've been with Liton since 2004.

22 In either case, whether the facility

1 is operated and owned by Kodak Alaris or Liton,
2 there is absolutely no evidence or risk of any
3 theft of Kodak Alaris IP in the many years we
4 have done business there.

5 Kodak Alaris generates a significant
6 revenue from public sector customers, government
7 and education in the U.S., approximately 20
8 percent of our revenue. We are a preferred
9 vendor with an install base of over 800 thousand
10 scanners in the U.S.

11 Kodak Alaris products are provided to
12 the U.S. government directly and indirectly
13 through many of our reselling partners. Imposing
14 additional duties on the subject products would
15 increase the costs of products provided to U.S.
16 government customers and the costs of services on
17 the install base due to increased parts costs
18 sourced from China.

19 Small and medium business would be
20 impacted similarly. As a small to medium sized
21 business, the impact of additional duties of
22 these products would be substantial to our

1 company.

2 Kodak Alaris' global earnings would be
3 impacted by 20 percent. Our U.S. and Latin
4 America operations would realize a negative
5 impact to our earnings from 10 to 50 percent,
6 depending on a location.

7 To offset this negative impact and
8 remain competitive, we would be forced to reduce
9 head count by approximately 10 percent in the
10 U.S. This would impact our ability to develop
11 and innovate in the U.S., and threaten our
12 ability to invest in our future.

13 We would also be forced to move our
14 scanner manufacturing operations to new
15 facilities. A move to any new facility would
16 result in increased costs compared to our current
17 operations.

18 Relocating would require us to
19 recertify our products. And the migration would
20 be a substantial project taking upwards toward
21 the year, imposing additional burden on the
22 engineering support and our current

1 commercialization schedules.

2 The supply of new products and
3 services to all our customers and consumers,
4 including U.S., would be impacted.

5 I appreciate your consideration. And
6 respectfully ask you to exclude the noted
7 products from the proposed duty increases. Thank
8 you.

9 MR. BISHOP: Thank you Ms. Clas. Our
10 final witness on this Panel is Jason Oxman with
11 the Electronic Transaction Association. Mr.
12 Oxman, you have five minutes.

13 MR. OXMAN: Thank you and good
14 afternoon. My name is Jason Oxman. I'm the CEO
15 of the Electronic Transactions Association. ETA
16 is a 30-year-old organization headquartered here
17 in Washington. Represents more than five hundred
18 payments technology companies.

19 Companies that are principally in the
20 business of providing merchants in the United
21 States the ability to accept electronic payments
22 from their companies -- from their customers.

1 I want to start off by noting that we
2 appreciate very much, the Administration's
3 efforts to ensure that American businesses can
4 compete fairly and effectively on a global stage.

5 We also understand the concerns that
6 some of our fellow participants in this
7 proceeding have raised about intellectual
8 property concerns, about the ability to enter the
9 Chinese market.

10 And our purpose in testifying on one
11 specific HTS item is not to, in any way, minimize
12 the Administration's efforts or the concerns
13 expressed by others here over this three-day
14 hearing. We are here in fact specifically to
15 speak about 8470.50.00, cash registers and point
16 of sale terminals.

17 Members of the Electronic Transactions
18 Association last year processed nearly seven
19 trillion dollars in electronic payments on behalf
20 of our merchant customers. More than 70 percent
21 of the U.S. GDP is retail spending in the United
22 States.

1 And more than 70 percent of retail
2 spending is done by consumers via electronic
3 payments. So, our impact on the U.S. economy is
4 significant.

5 Our opposition to increased tariffs on
6 this single tariff line is based on two principal
7 arguments set out in our written testimony.
8 First, we believe that this specific tariff would
9 have no impact on China.

10 And second, we believe it would cause
11 disproportionate economic harm to U.S.
12 businesses, specifically small and medium size
13 enterprises.

14 As to the first point, last year, or
15 actually in 2016, the last year data is
16 available, 54.2 million payment card
17 authorization terminals, sometimes referred to as
18 point of sale or POS terminals, were shipped
19 worldwide. These are terminalis we're all
20 familiar with as consumers that we use to insert
21 our chip cards or tap our phones or watches to
22 pay at the point of sale.

1 Of those 54.2 million POS terminals,
2 only five million of those were shipped to the
3 U.S. market. So the U.S. globally represents
4 less than 10 percent of the worldwide market for
5 POS terminals.

6 Significantly, the Asia Pacific region
7 is growing significantly in its proportion of
8 shipments of these terminals. Specifically, last
9 year a 28.3 percent increase in units to 31.7
10 million POS in the Asia Pacific region. Again,
11 versus five million in the U.S.

12 Other regions of the globe are also
13 showing a significant increase. Indeed, growth
14 in the Latin American/Caribbean market was faster
15 than in the U.S. market.

16 So, in short any further downturn in
17 sales to the U.S. caused by increased tariffs
18 would not have any impact on China. And indeed,
19 the Chinese manufacturers would recover simply by
20 shipping to other regions of the world, which
21 they are already doing today.

22 Approximately 95 to 100 percent of ETA

1 member companies' POS terminals are manufactured
2 in China. They of course use U.S. intellectual
3 property.

4 Shifting manufacturing to the United
5 States is simply not an option. For four reasons
6 that we set out in our written testimony.

7 First, the labor is not available.
8 Second, there's a lack of secondary facilities
9 and infrastructure to support this kind of
10 manufacturing.

11 Third, it would cost millions of
12 dollars per manufacturing line. And fourth, the
13 certification process for POS terminals is
14 significant and could not be accommodated in the
15 time periods set out by the tariff schedule.

16 U.S. inventories currently will last
17 between three and four months. And a shift to a
18 third country market would take at least 12 to 18
19 months, leaving small businesses without the
20 options that they need.

21 Our second reason that we set out in
22 our testimony, beyond the lack of impact on

1 China, is it would have a disproportionate impact
2 here in the U.S. Specifically, we are in the
3 midst of an upgrade of terminals to chip card
4 capability.

5 Larger retailers have largely finished
6 their work. Small and medium sized businesses
7 have not.

8 So, about 50 percent of the retailers
9 in the U.S., about 4.5 million merchant locations
10 have upgraded. About half have not. They are
11 largely small businesses.

12 They would not be able to sustain the
13 25 percent increase in prices. And they would
14 not be able to buy these upgraded devices.

15 We're concerned that would leave a
16 security gap in those small and medium
17 businesses. And we think that is not in -- does
18 not advance the interests of the Administration.

19 Thank you.

20 MR. BISHOP: Thank you Mr. Oxman. Mr.
21 Chairman, that concludes direct testimony from
22 this Panel.

1 CHAIR TSAO: I'll direct the first
2 question to my colleague at USTR.

3 MR. WINELAND: Thank you. Thank you
4 all for your testimony. And a question for Mr.
5 Larned.

6 When you look at your water filtration
7 and treatment products, are there either
8 domestic, U.S., or non-Chinese, other country
9 sources for these products?

10 MR. LARNED: Yes. There are other
11 sources where we could look to move our supplies.

12 MR. BISHOP: Pull your mic a little
13 closer, Jeff, please.

14 MR. LARNED: Yep. There are other
15 sources where we could look to move our supply
16 chain. There are two issues that we face in
17 doing so.

18 One, it would be a lengthy and very
19 costly process to do so. Water filtration
20 products need to be certified due to water
21 quality and water safety issues in the United
22 States.

1 And so it would be a lengthy process.
2 And obviously during that process we would be at
3 a competitive disadvantage to companies like
4 Haier and other folks in the industry.

5 So, I think that it could have a
6 devastating impact on our business over the
7 course of that 18 to 36 months to transfer the
8 supply chain.

9 We're also in a unique situation where
10 we have a wholly owned factory in China. And
11 that factory is currently supplied with carbon
12 black by our manufacturing facility in Florida
13 where they incorporate it into refrigerator
14 filters and other products.

15 With the tariff we would become
16 uncompetitive. And those product lines would
17 have to shut down those product lines in that
18 factory.

19 And that factory would become
20 uncompetitive. And just today that factory is
21 helping support companies like Tupperware and
22 Amway in their aspirations to grow their China

1 business.

2 And so it would actually harm the
3 ability for some of our partners as well as
4 Culligan to take shares in the water filtration,
5 the fast growing water filtration market in
6 China.

7 CHAIR TSAO: Mr. Larned, I have a
8 quick follow up. You mentioned in your testimony
9 there's Paragon, which is a subsidiary of
10 Culligan. It also supplies Haier, which is your
11 competitor.

12 Can you explain how that relationship
13 works? What would be the effect of the proposed
14 tariff on that relationship?

15 MR. LARNED: Yeah, so Haier, which
16 owns GE Consumer Appliances, sells multiple water
17 filtration lines in North America. The two
18 product lines which are distinct and
19 differentiated are water treatment systems, so a
20 reverse osmosis system that would be installed
21 under the sink in your home.

22 And refrigerator filters. All right,

1 so everybody's refrigerator, if you don't know
2 it, you've got a filter in there that you should
3 be changing every six months.

4 Paragon supplies the refrigerator
5 filters to the GE Corporation. And the GE
6 Corporation sources the reverse osmosis systems
7 through other supply chain and channels.

8 So, our refrigerator business, we
9 would lose it. They would move it to their
10 supply chain in South Korea or Taiwan or some
11 other place, because we would be uncompetitive.

12 Their current supply chain and the
13 drinking water systems, the reverse osmosis space
14 would remain competitive. And would put us at a
15 disadvantage, would put Culligan at a
16 disadvantage in the ability to compete with Haier
17 in that space where we participate in a major way
18 in North America and the U.S.

19 CHAIR TSAO: Thank you.

20 MS. KORKOS: All right. So my
21 question is for Mr. Rasmussen.

22 So with respect to Apergy's supply

1 chain, are there non-Chinese sources for the
2 foundational ESP components?

3 And then just to follow up, what
4 portion of the final product is actually goods
5 from China, or from China?

6 MR. RASMUSSEN: Okay. So, absolutely
7 there are other places to get ESP components from
8 other than China. The two other places would be
9 Russia and Singapore.

10 So Russia today is the largest user of
11 submersible pumps. There are wells there that
12 fit very well that product.

13 Unfortunately, the Russia market and
14 the products coming out of Singapore, those
15 producers are for our two major competitors.
16 China is the only source where they're supplying
17 the majority of the competition in the market.

18 So they're not owned by any of our
19 major competitors. And they supply a cost-
20 efficient product into this system.

21 Your second question was what
22 percentage of the components are coming from

1 China? So, out of our total products that we
2 sell, 65 percent of the products would be sourced
3 directly from China through eight different
4 suppliers.

5 MS. PSILLOS: My question is for Mr.
6 Stokes. You mentioned that the demand for the
7 spiral wound gaskets would not likely change in
8 the short and medium term.

9 And in your opinion, would U.S.
10 consumers of the gasket bear the majority of the
11 cost of the tariff increase?

12 MR. STOKES: The answer is yes. As I
13 mentioned, virtually all of the standard spiral
14 wound gaskets manufactured for the U.S. market
15 come out of China.

16 So it is quite likely that this 25
17 percent tariff will result in an across the board
18 price increase for end user customers. Which
19 tend to be the refineries, chemical plants,
20 pipelines, and such.

21 And they will, if they can, they will
22 attempt to pass that onto U.S. consumers of other

1 products. So I believe in the near and middle
2 term, I think that's an important distinction, in
3 the near and middle term, the price increase is
4 the most likely outcome.

5 In the longer term, Flexitallic and
6 other producers would start to seek alternative
7 sources of supply. As you ask similar questions,
8 we are also in the same situation.

9 We have our own factory in China. So,
10 to move that factory would require 18 months to
11 two years.

12 It would not come to the United
13 States, to be clear about that. It would not be
14 economically feasible to manufacture here. The
15 most likely alternative sources are,
16 unfortunately, also on the Section 301 watch
17 list.

18 For example, the small percentage of
19 gaskets that are not produced in China, India is
20 another source. Also, potentially Malaysia for
21 example.

22 So, that would be the alternative.

1 There are some companies that source their
2 gaskets directly from China without owning a
3 subsidiary directly from Chinese companies.

4 They may actually be at somewhat of an
5 advantage in that they could simply after a
6 period of time of working off inventory, make a
7 supply shift to India.

8 Another potential downside is China is
9 quite, since they make a lot of these products,
10 they have developed good skills. And these are
11 products that are used in safety and
12 environmentally sensitive applications in
13 refineries, chemical plants, pipelines.

14 An influx of products from countries
15 such as India, Malaysia, Vietnam, could result in
16 lower quality products coming into our supply
17 chain in very sensitive industries. So, that's
18 my best projection of what would happen in the
19 near and middle term.

20 MR. SULEWSKI: Hi, this is Adam
21 Sulewski, DHS. This question is for Bestway,
22 Inc.

1 You had testified that the expected
2 increase in revenue over the next five years
3 depends on macroeconomic variables and
4 anticipated increases in swimming.

5 Can you elaborate on how an increase
6 in tariff on the products you listed would affect
7 the expected revenue?

8 MS. TEEMS: The expected revenue? I'm
9 sorry, I don't have an answer for that. The --
10 our biggest concern is having to have these costs
11 roll down to the consumers and the customers.

12 I -- our revenue? I don't have an
13 answer for -- I can follow up with our team and
14 get an answer.

15 MR. MOORE: I have a question for Mr.
16 Tharp. I was wondering if you could elaborate on
17 how the proposed tariff would change your supply
18 chain?

19 And also, whether it would be feasible
20 to source the HVAC products you listed from
21 another country instead of China?

22 MR. THARP: The imposed tariffs would

1 definitely have an impact on the parts that we
2 buy. And therefore the -- we would have to go
3 through a process of approving new sources.

4 There are not any sources for the --
5 as I mentioned, specifically for the rotary
6 compressors in the United States. So we would
7 have to go to other countries.

8 And the -- as mentioned, I think by
9 the gentleman from Electrolux, similar situation
10 where because of the performance of the product
11 that's mandated by the Department of Energy,
12 because of the reliability requirements that --
13 and safety requirements to meet the underwriters'
14 laboratory's requirements, there's a very
15 significant process that we have to use to
16 validate and verify that new parts are compliant
17 with all these other aspects.

18 And it's a -- typically a multi-year
19 process in order to approve these parts. So, I
20 agree with the comment that Electrolux made
21 there.

22 Are there other sources? I -- for

1 some of the parts there are some domestically.
2 For some parts there are not.

3 And we would have to, again, do a
4 multi-year investigation.

5 CHAIR TSAO: Sort of a follow up on
6 that. Since you did mention Electrolux
7 appliances, I recall that in their testimony the
8 compressor for them, at least with their product,
9 is the most expensive or not most expensive, very
10 expensive part of their overall appliance.
11 Right?

12 MR. THARP: Yes, sir.

13 CHAIR TSAO: Is that true for the
14 products that you speak of as well?

15 MR. THARP: Yes, sir. It is a major
16 component of the system.

17 MS. PETTIS: Mr. Allen, I want to
18 know, do you have any information on alternative,
19 non-Chinese sources for your products?

20 MR. ALLEN: Thank you for your
21 question. Yeah, we do. Right now currently we
22 have two constraints for going and moving

1 production to other markets.

2 Cost as well as capacity. So, let me
3 address cost first. We make mid-priced optics
4 for the mass market at very specific price
5 points.

6 We also make higher priced optics in
7 some other markets and countries such as South
8 Korea, Japan, and the Philippines. But based on
9 our experience, those costs are three times
10 higher.

11 So, for us it's not a viable option to
12 be able to commercialize the current optics in
13 those other markets. The second constraint that
14 we have is capacity.

15 So we currently utilize eight
16 different suppliers from China to be able to go
17 meet the global demand that we have for this
18 product. And there currently is not the capacity
19 in these other markets to meet our needs.

20 MS. PETTIS: Okay. Thank you.

21 MS. PSILLOS: I have a question for
22 the Electronic Transactions Association, Mr.

1 Oxman. You mentioned in your testimony that
2 suppliers are already shifting production to
3 alternative markets.

4 Can you elaborate and provide details
5 on what markets they are shifting to?

6 MR. OXMAN: So the specific numbers
7 are set out in our written testimony. And to the
8 extent that those are not sufficient, we can
9 certainly follow up with more.

10 The largest shift that we've seen
11 actually interestingly enough, is within the Asia
12 Pacific region. So, the growth in the Asia
13 Pacific region, the last year for which data is
14 available, which was 2016, was 28 percent.

15 So I mentioned that 54 million units
16 were shipped worldwide, 32 million of those 54
17 million were in the Asia Pacific region. So
18 that's a 28 percent increase over the prior year.

19 Only five million of those were in the
20 U.S. So, that's the region. And it's somewhat
21 ironic, I realize, suggesting that the shift of
22 Chinese manufactured products would be into the

1 Asia Pacific region.

2 But that's the pattern that we've
3 seen.

4 MS. PSILLOS: Okay. My question is
5 for Kodak Alaris. So can you elaborate on the
6 potential cost and problems that Kodak Alaris
7 would have if it shifted its scanner production
8 operation out of China?

9 MS. CLAS: Sure. So we estimate, we
10 looked at actually our entire portfolio of both
11 production scanners, which are the large
12 scanners, they're the 90 thousand priced
13 scanners, and the very small distributed
14 scanners.

15 And we've looked at both part sourcing
16 and alternate manufacturing for those. Looking
17 very diligently at that.

18 And our increase in cost is anywhere
19 from 10 percent to 60 percent, depending on which
20 scanner you're talking about. And so -- because
21 we do all that manufacturing in China.

22 And so it's pretty much 100 percent of

1 our parts in China today, that would be the state
2 that we would have to be in. We'd have to
3 decrease our costs significantly in other areas,
4 and/or, pass those costs along to the rest of the
5 supply chain, the resellers and our end
6 customers.

7 And there would also be a big impact
8 on the reliability of those parts as well. So,
9 we've been with those manufacturing operations
10 and suppliers for a long time.

11 We have very, very high quality
12 products. And this includes our service
13 organization.

14 We're pretty much the only scanner
15 vendor who has our own service organization
16 today. And part of it is because of the labor
17 involved and the skilled people.

18 But the other part is the service
19 parts that we source, also gives us a high
20 quality opportunity to service the scanners.

21 CHAIR TSAO: Ma'am, you mentioned that
22 you sell a lot of these scanners to the U.S.

1 government through government procurement. How
2 would a proposed increase and tariffs affect your
3 existing government contracts?

4 MS. CLAS: In service. Right. Yeah,
5 and so both the serve -- the existing install
6 base.

7 CHAIR TSAO: Yes.

8 MS. CLAS: We have the contracts that
9 we have on the service, there would be a
10 significant increase that we'd have to pass along
11 to the government.

12 MR. BISHOP: We've released this Panel
13 with our thanks. And we invite our final Panel
14 of the day to come forward and be seated please.

15 (Whereupon, the above-entitled matter
16 went off the record at 3:40 p.m. and resumed at
17 3:44 p.m.)

18 MR. BISHOP: Mr. Chairman the first
19 witness on this Panel is John Constantine of Apex
20 Tool Group, LLC.

21 Mr. Constantine, you have five
22 minutes.

1 MR. CONSTANTINE: Thank you. So Apex
2 Tool Group is a 1.4 billion dollar company. We
3 compete in the hand tool and the power tool
4 market.

5 We employ about 18 hundred associates
6 in the United States. And about eight thousand
7 globally.

8 We have seven manufacturing facilities
9 in the United States. We also have wholly owned
10 facilities in China.

11 Our products are sold through major
12 retailers like Home Depot and Ace Hardware, as
13 well as large industrial distributors like
14 Fastenal and Grainger. Places like that.

15 We believe that the proposed action
16 under Section 301 erroneously includes some of
17 our hand tool products as part of Code
18 8466.10.01. And our proposal is to exclude these
19 items. In question would be an item like this,
20 which is a ratchet that you see here.

21 So I have three points to make real
22 quick here. First, we believe that these

1 products have no impact on the Chinese government
2 related to their acts, policies and practices
3 around intellectual property.

4 The USTR rightfully intends to target
5 industries that China could use to achieve its
6 2025 goals of global dominance in industries such
7 as aerospace equipment, high tech shipping, new
8 materials and medicine and things like that.

9 But these basic ratchets and drivers
10 that you see here, have no impact really on
11 China's effort in those areas. These products
12 are not nearly in the realm of what we'd call
13 cutting edge.

14 Ratchets have been in existence for
15 over 100 years. They've changed very little over
16 that span.

17 This product that I have here, which
18 is a very current product, all the invention was
19 done in the 1950s and 1960s on this product. The
20 items are quite common, available and owned by
21 millions of households in America and millions of
22 professional tool users in America.

1 We do own our factories in China where
2 these are produced. We've never been pressured
3 to transfer any data, information, technology, or
4 invention.

5 Nor have we ever had any inquiries
6 from the China government regarding our
7 intellectual property. Related, we would say
8 that the Chinese government would see products
9 like this as a low value product.

10 It's easy to make. Not consistent
11 with any desire on their part to enter high tech
12 or more value added manufacturing.

13 These items, we think, are unfairly
14 classified as tool holders. Which is why they're
15 part of this under 8466.10.01. And are not
16 really the sort of tool holder that Section 301
17 intends to protect.

18 Second point. These proposed actions
19 will have a negative impact on Apex Tool Group,
20 its customers and the end users of the product.
21 There's very little capacity in the United States
22 for these kinds of products.

1 And the existing capacity in the USA,
2 which is very limited, would be far less than
3 Apex and a lot of our peer companies would
4 require to be able to fulfil demand.

5 Second, the difference in cost between
6 a USA version of these kinds of products and an
7 Asia version of these kinds of products, is close
8 to 45 to 50 percent. So it's a significant cost
9 increase and would require significant capacity
10 and time in order to manufacture products like
11 this in the U.S.

12 And then ATG, as would any company, we
13 would not be able to absorb this tariff. So we
14 would pass it onto our trade customers like Ace
15 Hardware and Home Depot, and customers like that.

16 And then they would then pass it onto
17 their consumer. So, it creates a rather large
18 increase in pricing that I'll talk about in a
19 second.

20 And then the third point, is that in
21 addition to the current tariff coding system that
22 we talked about before, it not only includes

1 products like I show here, as an individual
2 ratchet, but it includes the product that I put
3 on the floor there. If you can see, which is a
4 large tool set.

5 So, there's an anomaly with the way
6 things are classified. That that tool set, which
7 is a 268-piece set. This is just an example.

8 But, it's a 268 piece set that would
9 also be subject to this tariff. Even though
10 about eight of the items in the 268-piece set are
11 called tool holders.

12 But the entire set would be subject to
13 the 25 percent tariff. This would create a major
14 impact on the American consumer, taking the
15 retail price of this set from roughly 150 dollars
16 to 225, 230 dollars.

17 So, in percentage terms, that's a huge
18 difference. And a pretty noticeable difference
19 to the American consumer.

20 So in summary, ATG appreciates the
21 thoughtfulness of the USTR to examine what
22 products may be impacted. And hopes that this

1 review process will ferret out anomalies such as
2 the hand tools that we just talked about.

3 We believe that the basic hand tool is
4 not one of the products that should be included
5 in the target list. Only because of an older
6 tariff court case are these kinds of low tech
7 products wrapped into this tariff provision.

8 We agree that something should be
9 done.

10 MR. BISHOP: Mr. Constantine, your
11 time is expired. Could you wrap up, please?

12 MR CONSTANTINE: Yeah. Sure. We
13 agree that something should be done to address
14 any of the state-sponsored IPR theft issues from
15 China.

16 But the proposed action of including
17 these products, we believe, is an unintended
18 consequence, and disproportionately negatively
19 impacts the American business and consumer.
20 Thank you.

21 MR. BISHOP: Thank you Mr.
22 Constantine. Our next witness is Doug Friesen of

1 SANY America.

2 Mr. Friesen, you have five minutes.

3 MR. FRIESEN: Good afternoon and thank
4 you for the opportunity to test -- yes, thank
5 you.

6 Good afternoon again. And thanks for
7 the opportunity to testify today. My name is
8 Doug Friesen. And I'm the CEO Of SANY America.

9 SANY America is a small company
10 getting ready to start up here in North America.
11 We basically sell, service, and distribute
12 construction equipment like hydraulic excavators,
13 port equipment, cranes, wheel loaders, and motor
14 graders.

15 And I didn't have an example to show
16 you today. It's too big to bring in.

17 (Laughter.)

18 MR. FRIESEN: But most of this
19 equipment that we bring in, incorporates engines
20 and other systems supplied by major U.S.
21 manufacturers such as Cummins Engines. And
22 Cummins Engines happens to be the highest value

1 part that we purchase.

2 So, we sell both in the United States,
3 Canada, Mexico and Central America. We're a
4 subsidiary of a Chinese company, the SANY Group.

5 It's a Chinese company that's decided
6 to build and manufacture equipment here in the
7 United States instead of just strictly export.

8 I was hired about ten months ago
9 specifically for my expertise to bring in
10 manufacturing onboard to new operations. And
11 that was my goal as I was hired, is to bring
12 manufacturing to the United States.

13 We are the largest source of Chinese
14 foreign direct investment, one of the largest
15 sources in the state of Georgia. We've recently
16 completed the construction of 120 million dollar
17 manufacturing facility site.

18 And it serves as our corporate
19 headquarters in Peachtree City, Georgia. Which
20 is just south of Atlanta.

21 The facility has 340 thousand square
22 feet of manufacturing space, 60 thousand feet of

1 office space. And it has a lot of room to grow.
2 We have a lot of acreage along with it.

3 We made a significant investment
4 partnering closely with the local economic
5 development officials. This investment is put at
6 substantial risk by the proposed application of
7 the 301 tariffs on certain SANY equipment and
8 parts.

9 We hope to begin production of the
10 hydraulic excavators in Peachtree, Georgia within
11 a year. And other equipment products will
12 follow.

13 The facility was built with the
14 capacity to produce more than two thousand heavy
15 equipment units per year. We're committed to the
16 U.S. market as a construction and port equipment
17 producer, and as a top rate service, and also
18 parts provider.

19 SANY America also has invested in the
20 American work force. We currently employ around
21 70 people at Peachtree City right now.

22 We also have an independent dealer

1 network of 38 dealers. Targeted to grow to 100
2 dealers.

3 Each one of these are private, small
4 business owners who employ salesmen, technicians,
5 and parts specialists. And all of them are a
6 member of the AED, American Equipment
7 Distributors as well.

8 We're in the process right now of
9 hiring three hundred new people for the
10 manufacturing process. We've just hired our
11 first leader even this week to start the
12 manufacturing process to transfer products from
13 China to the United States.

14 And despite all of this, SANY
15 America's manufacturing plans are -- despite the
16 plans and our ability to sell and to service
17 hundreds of construction and port customers
18 nationwide, will be threatened should the
19 Administration impose the proposed tariffs.

20 While we plan to produce excavators at
21 Peachtree City within a year, SANY America needs
22 to import certain equipment in the interim to

1 fill our customers' requirements at the same
2 time.

3 We'll need to begin to build up our
4 parts inventory. But many of the parts that
5 we'll need for the Peachtree City facilities are
6 also on the proposed tariff's list.

7 SANY America products are relied upon
8 in the construction industry. We have about a
9 population of two thousand units in the
10 marketplace right now.

11 Our products play an important role in
12 the U.S. industry. And they're by no means high
13 tech.

14 We cannot see that the imposing
15 tariffs on such equipment would have an impact on
16 the Chinese high tech sectors. Instead the
17 tariffs would have an adverse impact on the U.S.
18 workers and U.S. industry.

19 And would discourage new investments
20 in the United States. So, consequently SANY
21 America respectfully requests the Administration
22 to consider removal of the proposed list of

1 tariffs on certain construction and port
2 equipment and parts classified under Chapter 84
3 of the HTSUS.

4 We supplied a detailed list of the
5 tariff numbers of concerns with our written
6 comments that were dated on May 11. The top
7 three categories of products that we're concerned
8 about are the excavators, the port equipment and
9 cranes, and all the parts that are associated
10 with that.

11 The failure to remove these items from
12 the proposed increased tariffs will jeopardize
13 hundreds of jobs in Georgia and the substantial
14 investment that we've already made in Peachtree
15 City, Georgia.

16 So, thank you for the opportunity to
17 testify today. And I look forward to any of your
18 questions.

19 MR. BISHOP: Thank you Mr. Friesen.
20 Our next witness is Michael Kersey with the
21 American Lawn Mower Company of the Great States
22 Corporation.

1 Mr. Kersey, you have five minutes.

2 MR. KERSEY: Members of the Trade
3 Policy Staff Committee, thank you for the
4 opportunity to testify today. I am Michael
5 Kersey, President of the American Lawn Mower
6 Company and Great States Corporation, which I
7 will refer to today as ALM.

8 ALM, a family owned Indiana company is
9 more than 120 years old. We have provided the
10 consumer with a reliable, low emission, easy to
11 use option in the lawn and garden equipment
12 market since the company's founding in 1895.

13 At the time, Robert B. Kersey, my
14 great-grandfather started his business focusing
15 on the reel lawn mower. The reel mower which is
16 solely powered by the operator's force continued
17 to be the company's backbone into the early
18 1940s.

19 After a brief shift to supply the U.S.
20 military with practice bombs in support of Armed
21 Forces during World War II, the company went back
22 to its bread and butter, the reel mower. And has

1 continued to be an industry leader in this market
2 segment despite the introduction of the gasoline-
3 powered mower.

4 During the shift from reel to gasoline
5 mower, ALM was able to weather a well-saturated
6 reel market of over 60 domestic suppliers in the
7 early 1950s to four in the 1970s by providing
8 excellent quality, by focusing on customer
9 service, and by the vertical integration of ALM's
10 processes.

11 Starting in the 1980s, the company
12 made the decision to expand its product offering
13 to the small garden tiller market. However,
14 choosing to focus on a much smaller, more
15 reliable, and more environmentally friendly
16 manual and later electric tiller segment.

17 In the 2000s, ALM has continued to
18 expand its product portfolio to include chipper
19 shredders and snow throwers. Not only focusing
20 on new plug in electric products, but also
21 becoming a leader in the battery operated outdoor
22 power tool market.

1 Today ALM products are sold at
2 Walmart, the Home Depot, Amazon, Lowes, Ace
3 Hardware, True Value and many more.

4 A number of ALM products are on the
5 proposed 301 tariff list, including corded and
6 lithium battery powered snow throwers, chipper
7 shredders, and various other product parts.

8 We supplied a detailed list of the
9 tariff numbers of concern with our written
10 comments dated May 11. These products represent
11 a significant portion of our sales.

12 To the best of our knowledge, there
13 are no U.S. manufacturers of these electric and
14 battery powered products. ALM must import these,
15 and the predominant source is China.

16 It is difficult for us to imagine that
17 other countries would be able to replace China as
18 the supplier of these products, at least within a
19 year's time. And we do not foresee that ALM or
20 any other U.S. company could begin to manufacture
21 these products in the United States without a
22 lengthy disruption in supply.

1 If the Administration imposes tariffs
2 on our products, it will jeopardize ALM and will
3 not help a single U.S. manufacturer. Moreover,
4 because ALM's products are designed primarily for
5 home use, the imposition of tariffs on ALM's
6 products would have a disproportionate impact on
7 American households.

8 Our customers rely on ALM's products
9 and other similar products for low emission yard
10 and garden care. And for snow removal,
11 particularly during the extreme winters that the
12 east coast has been experiencing.

13 If we were to experience another bad
14 winter this year, the country would most likely
15 see shortages of snow throwers. This would
16 greatly impact the consumer, especially the
17 independent elderly.

18 I think it's important to note that
19 this is a -- we have for snow throwers, there is
20 a -- already a highly variable, you know, factor
21 when it comes to the retailers' prediction and
22 demand. And that's the amount of snow.

1 And then you throw another 25 percent
2 cost increase on top of that, and the result will
3 be cancelled orders just right off the bat. And
4 that will start in a few months, really.

5 ALM's products are not high tech.
6 They are not the sort of things that benefit from
7 China's intellectual property practices.

8 Nor do they contribute to China's high
9 tech ambitions. It makes no sense that these
10 products are on the proposed tariff list.

11 In fact, I would think that imposing
12 tariffs on snow throwers, chipper shredders, and
13 various outdoor tool parts would run counter to
14 what the Administration is trying to accomplish
15 here.

16 It would only encourage Chinese
17 producers of these goods to migrate to more
18 expensive, higher tech products, the sort of
19 products we were attempting to target with these
20 301 tariffs.

21 TPSC staff, ALM will supplement this
22 testimony as necessary with a post hearing brief.

1 But I thank you for the opportunity to testify
2 today.

3 And I look forward to any questions.

4 MR. BISHOP: Thank you Mr. Kersey.

5 Our next witness is Blake Phillips with EQI
6 Limited.

7 Mr. Phillips, you have five minutes.

8 MR. PHILLIPS: Thank you and good
9 afternoon. My name is Blake Phillips. And I'm
10 here today on behalf of EQI Limited where I serve
11 as the President and CEO.

12 I've been with EQI since 2010. And
13 have worked in the foundry industry for nearly 15
14 years.

15 Prior to entering the private sector,
16 I proudly served as a Naval Flight Officer in the
17 U.S. Navy for eight years.

18 EQI provides tailored design
19 engineering procurement and logistic services to
20 a broad base of U.S. original equipment
21 manufacturers or OEMs in the heavy equipment and
22 industrial markets.

1 We're headquartered in Norton Shores,
2 Michigan. And currently employ 27 salaried and
3 fully benefitted employees working in highly
4 skilled technical, customer service, financial,
5 and operational roles.

6 We are a diverse group that's
7 representative of many small to medium sized
8 businesses that form the backbone of our national
9 economy. I would like to emphasize that EQI
10 supports the Administration's efforts to ensure
11 free and fair trade with China.

12 China's discriminatory and restrictive
13 intellectual property policies are bad for
14 business. And should not be tolerated.

15 We're therefore in favor of imposing
16 a specific and narrowly targeted tariff on
17 products that have benefitted from China's
18 policies in order to restore a level playing
19 field in the U.S. market.

20 The proposed tariff on gray iron
21 counterweight castings however, will not serve to
22 achieve the objectives of the proposed tariffs.

1 There's no relevant intellectual property
2 associated with these commodity products.

3 And their production has no bearing on
4 any existing U.S./China technology dispute or
5 claim. More importantly, and for reasons that
6 I'll be discussing today, a 25 percent tariff on
7 counterweight castings will be ineffective in
8 eliminating the Chinese policies at issue.

9 However, the imposition of such a
10 tariff will cause disproportionate and undue harm
11 to U.S. manufacturers and American workers.

12 As shown in the photographs attached
13 to my testimony today, counterweight castings are
14 required to safely and efficiently operate
15 utility vehicles and machinery in the material
16 handling, aerial, work platform, construction,
17 forestry, and agricultural industries by
18 balancing the weight of large loads.

19 EQI was established in 2004 to fill a
20 specific gap in the U.S. foundry market for these
21 types of products. The foundry industry in the
22 U.S. has, for the past 20 years, focused on

1 manufacturing higher complexity castings, both in
2 design and in cast materials.

3 As a result, approximately 75 percent
4 of the global capacity to produce gray iron
5 counterweight castings resides in China. There's
6 only one counterweight foundry operating in the
7 U.S. today. And it's a wholly owned, operated
8 and subsidized by Toyota, primarily for its
9 exclusive use.

10 EQI imports counterweights from third
11 party suppliers in China in a semi-finished state
12 under four HTSUS subheadings, 8431.20, 8431.41,
13 and 8431.49.9095 and this is .9010. Those are
14 detailed in our written comments if you don't
15 want to write those down.

16 Obviously which counterweight depends
17 on the specific equipment or machinery in which
18 they will be used. After importation, the
19 castings are processed, finished, and warehoused
20 by our supply chain partners in Pennsylvania,
21 Kentucky, Virginia, Iowa, Indiana, and Illinois.

22 Our castings are used by American

1 businesses including Caterpillar, John Deere,
2 OshKosh, GLG, Crown Equipment, and Hyster Yale to
3 support their large scale manufacturing
4 operations in the U.S., as well as several
5 smaller scale and niche equipment manufacturers.

6 Counterweight castings are an
7 essential element in the production of heavy
8 equipment and utility vehicles. They are not
9 optional equipment. And our OEM customers depend
10 on a reliable supply.

11 At present, there is no viable option
12 in the U.S. from which these America businesses
13 can source counterweights other than China.
14 Domestic capacity at the scale required doesn't
15 exist.

16 Moreover, given the large capital
17 investment and small profit margin for
18 counterweights, a new counterweight foundry
19 capacity is not being built in the U.S. And
20 likely never will be.

21 The return on investment is simply too
22 long. And the margins on this commodity product

1 too narrow to justify the expense.

2 The likelihood that major capital
3 investments will be made based solely on the
4 benefit that a tariff might provide to the
5 domestic foundry industry is virtually zero as
6 any tariff can easily be reversed in the future
7 by a subsequent Administration.

8 Because counterweight production
9 largely resides in China, counterweight castings
10 will continue to be imported regardless of any
11 tariff imposed. A 25 percent tariff on
12 counterweights will therefore function as little
13 more than a penalty tax on U.S. manufacturers.

14 A tariff will increase EQI's prices
15 from its supply chain partners. And we will in
16 turn be forced to increase our own prices to the
17 OEMs.

18 These higher costs will reduce demand
19 and threaten hundreds of thousands of jobs at the
20 OEMs and their downstream suppliers. Many of
21 which are small and medium sized businesses like
22 EQI.

1 The result will be fewer jobs
2 throughout the United States. Particularly in
3 centers of U.S. manufacturing where OEM customers
4 operate their own manufacturing facilities,
5 including Pennsylvania, North Carolina, Kentucky,
6 Ohio, Indiana, Iowa, and Illinois.

7 For these reasons we respectfully
8 request that the counterweight castings be
9 removed from the proposed list that will be
10 subject to the additional 25 percent tariff.

11 As Congressman Huizenga stated in the
12 attached letter supporting our request, removing
13 counterweight castings will promote the continued
14 success of U.S. manufacturing in the foundry and
15 heavy equipment industries, and protect the
16 hardworking middle class Americans they employ.

17 Thank you for your consideration. And
18 I'm happy to answer any questions you may have.

19 MR. BISHOP: Thank you Mr. Phillips.
20 Our next witness is Brian Smith with LBC Bakery
21 Equipment, Incorporated.

22 Mr. Smith, you have five minutes.

1 MR. SMITH: Thank you. Good
2 afternoon. My name is Brian Smith. And I am the
3 General Manager and CFO of LBC Bakery Equipment
4 headquartered in Marysville, Washington.

5 I am here today to ask you to not
6 include certain bakery equipment on any
7 retaliation list, as including these products
8 will only hurt U.S. businesses like mine, and the
9 customers who use our products, including
10 schools, hospitals, and other community
11 facilities.

12 LBC designs, engineers, imports,
13 sells, and supports several lines of bakery rack
14 ovens and bakery proofers. This equipment is
15 imported from China under HTS subheading
16 8419.81.50, with spare parts imported under
17 8419.90.95.

18 Both of which are on the list of
19 subheadings to be assessed the additional 25
20 percent tariff.

21 LBC has imported rack ovens and
22 proofers from the same factory in China since

1 2005. This factory began producing rack ovens
2 and proofers for other customers in 1998.

3 Both this factory and LBC are
4 currently majority owned by a Taiwanese company,
5 which itself began producing bakery equipment in
6 1988.

7 By way of background, a proofer is
8 basically a big metal box in which dough sits
9 while it rises. And the oven, of course, is
10 where the dough is baked.

11 Bakery ovens and proofers are sold to
12 a wide variety of customers in the United States.
13 Small and medium sized customers include
14 independently owned bakeries, school cafeterias
15 and school district commissaries, colleges and
16 universities, hospitals, rehabilitation
17 facilities, state and local correctional systems,
18 single location grocery stores or restaurants,
19 and small grocery store or restaurant chains
20 having between a few and a few dozen locations.

21 Large customers primarily include
22 supermarket chains with hundreds or thousands of

1 locations. And large hotel chains.

2 Approximately 75 percent of LBC's
3 customer base in 2017 consisted of small to
4 medium sized end users. While hard statistics
5 are difficult to come by in our industry, it is
6 widely believed that the U.S. market for rack
7 ovens and proofers is dominated by three
8 suppliers, with LBC being either the second or
9 third largest.

10 We understand the various concerns
11 that our government has with the policies
12 outlined in the Trade Representative's notice.
13 And we fully support our government's initiative
14 to ensure that everyone competes fairly.

15 However, the acts identified by the
16 Trade Representative do not apply to LBC or its
17 products. To manufacture rack ovens and proofers
18 in China, the Chinese government did not invest
19 in LBC, did not require LBC to enter into a joint
20 venture, and did not require LBC to transfer
21 intellectual property to China or a Chinese
22 company.

1 Chinese regulations did not and have
2 not forced nonmarket terms on LBC's licenses or
3 any technology related contracts. In fact, when
4 it comes to technology, bakery rack ovens and
5 proofers are far from cutting edge.

6 People have been proofing dough and
7 baking bread for thousands of years. The rack
8 oven itself, which is the primary item in
9 question, was invented by a European company in
10 the 1950s.

11 And there has been little in the way
12 of innovation in these products over the past 20
13 years. Of the innovation which has taken place
14 in recent years, much of it is related to energy
15 efficiency with LBC's double rack gas oven being
16 the clear leader among the three main competitors
17 per published test results issued by the
18 independent testing agency, Fisher-Nickel.

19 So we respectfully ask that you
20 refrain from pulling us and our customers, the
21 majority of whom are small and medium sized, into
22 this fight with which we have had little to do.

1 Respectfully, I believe that including
2 our products in the retaliation list would be
3 ineffective and would create other problems. It
4 would result in the following: very little if any
5 pressure would be placed on China to reform the
6 acts, policies and practices identified by the
7 Trade Representative.

8 A much needed competitor in the
9 industry will be greatly handicapped and possibly
10 eliminated. The cost of rack ovens and proofers
11 for all customers in the U.S., particularly small
12 to medium sized end users, will increase.

13 The cost of maintaining equipment
14 owned by thousands of customers in the U.S., will
15 increase. Regarding bakery ovens and proofers,
16 we believe the cost to the U.S. consumer will
17 exceed the benefit, if any, to the U.S. economy
18 derived by application of the additional tariff
19 to these products.

20 On behalf of my company, our workers,
21 and our community-based customers, I thank you
22 for the time to explain our position. And I

1 respectfully ask that you not include our
2 products in any retaliation list.

3 Thank you.

4 MR. BISHOP: Thank you Mr. Smith. Our
5 next witness is Ernest Tai with LW Scientific,
6 Incorporated.

7 Mr. Tai, you have five minutes.

8 MR. TAI: Thank you. Today I will be
9 addressing the tariff codes that are listed in
10 paragraph three of my submitted statement.

11 So, I won't refer to that right now.
12 First of all, I want to thank the Committee
13 that's been convened to hear our testimony.

14 I wanted to say that this is a really
15 refreshing conversation that we're having. The
16 conversation that celebrates and protects what's
17 good about America and American manufacturing.

18 You know, we are the beneficiary, our
19 company is the beneficiary of many conversations
20 very similar to this that have been happening
21 about protecting our interests. So, I appreciate
22 that and I appreciate this committee.

1 So to give some context, I'm the CEO
2 of LW Scientific. We're a privately held small
3 company located in Atlanta, Georgia.

4 We are an ISO 13485 medical device
5 manufacturer. We employ around 30 employees,
6 give or take in Atlanta.

7 But we also have a wholly owned
8 subsidiary factory that is in Shanghai, China.
9 So, what makes us unique in particular is that we
10 do have a global footprint as a small business.

11 And so, I think Mr. Tharp was the one
12 that, DG that said that he was the poster-child,
13 their company was the poster-child of what this
14 Committee is trying to accomplish. I would
15 propose that we are the poster-child's close
16 cousin, I think. Because we are a small
17 business.

18 But we are reflective of, I think, the
19 larger conversation of where we want to go in
20 America and in protecting our interest. And I'm
21 also cognizant of the idea that we are reflective
22 of that 75 percent of the population that is

1 represented by small businesses of exporters.

2 That was Mr. Keating's testimony. So,
3 in short, I would suggest that the tariffs unduly
4 impact our competitiveness because we do have the
5 global footprint.

6 In particular, I think it has a
7 negative impact to an area of our economy that we
8 have deemed necessary to give particular
9 attention, and that is in the healthcare world.

10 So, further as a manufacturer, I'd
11 like to address this global impact. So, we
12 import and we export.

13 So, 70 percent of our products that we
14 manufacture, we manufacture for domestic use.
15 Thirty percent of our products we manufacture for
16 export.

17 We import from all over the world. We
18 are a global manufacturer in that all of our
19 products are made of components from all over the
20 world.

21 But we manufacture and we assemble in
22 the United States. So one of the impacts that I

1 think other Panelists have suggested, is that
2 this does impact American jobs.

3 So, in the export world, which is 30
4 percent of our revenue, we operate on very small
5 margins. And some of the suppliers that we have
6 that are in China, in fact are our competitors on
7 the global scene.

8 And we do win in many of the cases in
9 the global scene. So, the -- really, I think the
10 insidious unintended impact would be that our
11 export trade would be unduly impacted.

12 And, in addition to that, we would
13 lose American jobs to what? To our Chinese
14 competitors. And they would be winning our
15 business.

16 So, I think that's an insidious result
17 of the tariffs specifically as they relate to the
18 ones that I listed in paragraph three. So, I
19 appreciate the Committee's listening to these
20 tariff codes.

21 And I conclude my testimony.

22 MR. BISHOP: Thank you Mr. Tai. Our

1 next witness is John Hoff with Global Point
2 Technology. Mr. Hoff, you have five minutes.

3 MR. HOFF: Yes, thanks. I appreciate
4 this opportunity that you've given us. My name
5 is John Hoff, and I am the owner and President of
6 Global Point Technology.

7 Global Point is based in Farmington,
8 New York. And currently has 19 well-paid
9 employees, all American citizens.

10 I'm providing this testimony because
11 the proposed tariffs under Section 301 of the
12 Trade Act would substantially injure Global
13 Point. This would force us either to cease
14 operations, and/or shift production locations at
15 great expense to my company.

16 And cause supply disruptions to my
17 customers. Either scenario would result in a
18 loss of U.S. jobs and direct harm to our
19 customers and their customers, most of whom are
20 well-established U.S. manufacturers.

21 I respectfully urge USTR not to impose
22 additional 25 percent tariffs on the articles

1 listed in Exhibit A of our submission. Global
2 Point was created in 1974 as a manufacture's rep
3 firm focusing on bringing quality components to
4 manufacturers and various industries.

5 Over subsequent years, we morphed into
6 a design sourcing and manufacturing entity. In
7 addition to maintaining a production operation at
8 our facility in upstate New York, along with the
9 ownership in other U.S. manufacturing entities,
10 Global Point has established relationships with
11 suppliers in China, Taiwan, and Thailand.

12 Global Point imports from China are
13 not high technology items. And thus, should not
14 be covered by the Section 301 proceeding.

15 In 2007 Global Point took control of
16 China Solenoid Technology, CST, located in
17 Xiamen, China. All shares of CST are held by me
18 personally.

19 There are no Chinese or joint venture
20 shareholders. CST specializes in the design and
21 production of solenoids, electromagnetic modules,
22 wire harnesses, customized switches, and other

1 electro-mechanical assemblies.

2 CST exports approximately 25 percent
3 of its production to the United States. And
4 products from CST account for a substantial
5 portion of Global Point's U.S. imports from
6 China. The remaining 75 percent of CST's
7 production is sold within China to the automotive
8 industry.

9 Neither Global Point nor CST has ever
10 been required to share any technical or
11 proprietary information with Chinese officials or
12 organizations. In sum, Global Point has a
13 favorable experience in China.

14 A large percentage of the articles
15 that Global Point imports from China are
16 identified in the list published by USTR for
17 potential tariffs of 25 percent.

18 While Global Point will be affected by
19 the additional tariffs and 14 separate and
20 distinct HTS codes, the largest impact will be
21 felt by three, 8505.90.7501, 8479.90.9440, and
22 9032.90.6180.

1 Given the time constraints of this
2 hearing, I refer the Panel to our written
3 comments submitted on May 11. In this testimony
4 I will just identify a few key points.

5 First, while the China IP issues
6 identified by the USTR may well reflect
7 legitimate problems for other U.S. companies
8 operating in that country, Global Point has not
9 experienced these challenges.

10 To the contrary. We have had a
11 constructive relationship with China. And have
12 not encountered any problems of IP theft, cyber
13 theft, or other technology related complications.

14 Second, punitive tariffs on Global
15 Point's imports will do nothing to remedy China's
16 allegedly unfair IP practices. There is no
17 connection between the products that Global Point
18 imports from China and China's IP practices.

19 Global Point's work with CST and other
20 suppliers have been collaborative and
21 transparent. Put simply, Global Point is
22 surprised that the articles it produces and

1 imports were identified as being linked to
2 Chinese unfair practices.

3 These are not the type of high
4 technology products associated with IP
5 infringement or cyber theft. And we have not
6 experienced any such issues.

7 Third, punitive tariffs on our imports
8 would unduly harm Global Point and our customers.
9 The proposed 25 percent tariffs would force us to
10 spend exponentially more in custom duties.

11 Global Point currently spends
12 approximately 40 thousand per year to import
13 these articles. This would skyrocket to over 1.2
14 million in additional duties.

15 These tariffs are especially
16 unwarranted to Global Point given that our main
17 Chinese supplier, CST, is an affiliated company
18 owned and controlled by us. Thus imposing these
19 tariffs would not be punishing a Chinese company.
20 Rather, it would be punishing a U.S. company.

21 In sum, 25 percent tariffs and
22 products imported by Global Point would cause

1 severe economic harm to Global Point and our 19
2 U.S. employees, as well as our customers.

3 To the extent additional import duties
4 are imposed as part of this proceeding, Global
5 Point believes USTR should take a tailored
6 approach to avoid unwarranted consequences as
7 discussed in our written statement.

8 Global Point believes that alternative
9 measures should be more appropriate than a
10 blanket imposition of 25 percent duties on 13
11 hundred products.

12 In conclusion, the proposed Section
13 301 tariffs would substantially injure Global
14 Point and our employees and our U.S. customers.
15 These measures are unwarranted because they do
16 not further the objective of this proceeding, or
17 be effective in remedying USTR's underlying
18 concern with China's IP practices.

19 Therefore, I respectfully urge USTR
20 not to impose new 25 percent tariffs on the
21 articles listed in Exhibit A to my testimony.

22 Thank you very much for your careful

1 consideration of these views.

2 MR. BISHOP: Thank you, Mr. Hoff. Our
3 final witness on this panel is Steve McGuire of
4 McGuire Bearing Company. Mr. McGuire, you have
5 five minutes.

6 MR. MCGUIRE: Good afternoon. My name
7 is Steve McGuire. I'm President of McGuire
8 Bearing Company. Our company is a family-owned
9 distributor of bearings and mechanical power
10 transmission components with facilities
11 throughout the Northwest and its headquarters in
12 Portland, Oregon.

13 The company was started by my father
14 in 1954 in a single facility in Portland and has
15 grown to include facilities in nine different
16 locations in four different states: Oregon,
17 Washington, Idaho and Utah, with over 160
18 employees.

19 McGuire Bearing Company is opposed to
20 the proposed action under 301 to impose 25
21 percent duties on the products that McGuire
22 Bearing imports from China. Among the products

1 imported are ball and roller bearings, mounted
2 bearings, corrosion-resistant bearings, grease
3 and oil seals, sprockets, pulleys, and speed
4 reducers. We submitted comments on May 11th that
5 provide all the reasons why we opposed the
6 proposed additional duties.

7 McGuire Bearing Company believes that
8 imposing duties on the bearing and mechanical
9 power transmission products that McGuire imports
10 from China would not be practicable or effective
11 to obtain the elimination of China's unreasonable
12 and discriminatory acts, policies, and practices
13 identified by USTR in its report in this
14 investigation.

15 None of the products McGuire Bearing
16 imports are high tech products and none of the
17 Chinese producers of the products benefit from
18 the Chinese government's acts, policies, or
19 practices identified by the USTR as being
20 unreasonable or discriminatory or that burden or
21 restrict U.S. commerce. In fact, none of our
22 products and none of the suppliers to McGuire are

1 even identified or mentioned in the USTR report
2 in this investigation.

3 Maintaining or imposing additional
4 duties on these products would cause
5 disproportionate economic harm to U.S. interests,
6 including McGuire Bearing Company, its customers,
7 and other small or medium-sized businesses and
8 consumers.

9 Although imposing duties on the
10 products McGuire Bearing imports from China will
11 not help to change China's practices, it will do
12 substantial harm to McGuire Bearing. Notably,
13 the products McGuire Bearing imports from China
14 are a small part of the value chain supplied by
15 McGuire Bearing to its customers for those
16 products. It is the services, R&D, engineering,
17 and technical support supplied by McGuire
18 Bearing, all performed in the United States that
19 sets apart McGuire Bearing's products.

20 Through superior quality and technical
21 expertise we have gained a reputation for saving
22 our customers money and for carrying the

1 inventory they need. The duties will also harm
2 our customers who would need to pay a higher
3 price for the imported bearings and mechanical
4 power transmission components that they use as
5 input parts and components for the downstream
6 products they manufacture.

7 Our customers use the bearings and
8 mechanical power transmission components we
9 supply to them to produce in the United States a
10 variety of downstream products including nut,
11 potato, and other harvesting equipment and farm
12 machinery, specialty trucks, pumps, equipment for
13 airports, wheel hubs for automobiles and other
14 auto parts, and a variety of other equipment and
15 machinery. The 25 percent duties will either
16 drive them offshore or cause them to lose
17 business to lower priced imports.

18 Other customers of McGuire Bearing
19 Company would be harmed because their costs of
20 production will rise because they will need to
21 pay a higher price for the imported bearings and
22 mechanical power transmission components that

1 they use to run their equipment and machinery in
2 their facilities. By increasing these companies'
3 costs of production, the increased duties make it
4 more difficult for these companies to compete in
5 the U.S. and global marketplace.

6 For all these reasons McGuire Bearing
7 opposes the imposition of tariffs of 25 percent
8 on the products McGuire Bearing imports. We
9 believe that if any Section 301 relief is to be
10 imposed by the U.S. Government on imports from
11 China, it should be narrowly tailored to
12 adversely impact Chinese companies that benefit
13 from the unreasonable and discriminatory policies
14 identified in USTR's report and to target the
15 greatest impact on the Chinese government, and
16 not adversely impact U.S. companies and U.S.
17 consumers like McGuire Bearing Company and our
18 customers.

19 Including McGuire Bearing imported
20 products on the list of products subject to
21 increased duties will much more adversely impact
22 U.S. companies and U.S. consumers than they will

1 adversely impact either Chinese companies that
2 benefit from China's policies and practices or
3 the Chinese government. Indeed, as I just
4 mentioned, there likely will be no adverse impact
5 on the Chinese government from imposing
6 additional duties on the products imported from
7 China by McGuire Bearing.

8 Our comments submitted May 11th
9 identify the products McGuire Bearing Company
10 imports from China. Thank you. And I'd be happy
11 to take any questions.

12 MR. BISHOP: Thank you, Mr. McGuire.
13 Mr. Chairman, that concludes direct testimony
14 from this panel.

15 CHAIRMAN TSAO: Thank you. First
16 question goes to Department of Commerce.

17 MS. PSILLOS: My question is for Apex
18 Tool Group, Mr. Constantine.

19 In addition to China what are the
20 other foreign sources for the ratchets or other
21 related tools sold by Apex Tool Group and its
22 competitors? In your testimony you seemed to

1 mention other countries in Asia.

2 MR. CONSTANTINE: Yes. I would say,
3 in the industry, roughly 50, 55 percent of these
4 kinds of products are originated from China,
5 another 15 to 20 from Taiwan, and the rest
6 globally. United States, roughly 10, 15 percent
7 would be my guess.

8 CHAIRMAN TSAO: And, sir, I have a
9 follow-up question. You seemed to have alluded
10 to this in your testimony. It's about the
11 classification of the ratchet and also the
12 customs classification for the tool set. You
13 seemed to indicate that there's sort of a quirk
14 with respect to the classification. Am I
15 understanding that correctly?

16 MR. CONSTANTINE: Yes, and it's
17 probably something we could submit in writing
18 after the fact, but there is an anomaly with the
19 way the tariff coding works where the whole set,
20 for example, the set at the foot there, ends up
21 getting classified as a tool holder, even though
22 tool holders within the set are a very, very

1 small amount of what is made up of that, in this
2 case, 268-piece set. And I know more about this
3 than I ever thought I would know, but it's way
4 too much to explain. But a good portion of our
5 business or sets like the one that you see here
6 would be subject to the 25 percent as a result.
7 But we can submit a lot more detail on that in
8 the writing to follow up.

9 MR. MOORE: For Mr. Friesen. I was
10 wondering if you could further elaborate on how
11 the proposed tariffs would affect SANY's plans to
12 begin manufacturing operations in your Georgia
13 facility.

14 MR. FRIESEN: Yes, sure. I mean, just
15 to start with the 25 percent tariff alone, our
16 margins aren't even quite that high. So when you
17 put a 25 percent tariff on, we have no ability to
18 compete and basically runs us right out of
19 business. So, it's a competitive market.
20 Margins are low. So, that's the key.

21 MS. PETTIS: Mr. Kersey, first I want
22 to say that my father always used a rotor mower,

1 but I want to know are there any other
2 alternative non-Chinese sources for your products
3 that are currently on the proposed list?

4 MR. KERSEY: For our products on the
5 proposed list there are none that I'm aware of.
6 They might exist, but we don't see them in a
7 marketplace. Certainly not in Mexico, I don't
8 believe. But these are all really high-labor
9 component items that, like toys, will tend to
10 migrate to, no matter where the country is, will
11 tend to migrate out of high labor cost areas like
12 the United States, Western Europe. I think toys
13 migrated first to Japan and then once labor
14 started to increase in price there, they moved to
15 China. Same thing will happen in these kind of
16 outdoor tools.

17 MS. PETTIS: Thank you.

18 MR. WINELAND: Mr. Phillips, could you
19 just help us understand better the makeup of the
20 Chinese counterweight casting industry and what
21 percentage of their output is coming to the
22 United States versus other foreign countries

1 versus Chinese domestic use?

2 MR. PHILLIPS: Yes, sure thing. The
3 latest data that I have from the American Foundry
4 Society, which does a global study in capacity
5 and tonnage, so, counterweight, gray iron
6 counterweight castings are a subset of gray iron.
7 China itself has just over 20 million metric tons
8 of capacity. If you add up the next six largest
9 countries behind China, it's about half of the
10 Chinese capacity. So, just from a gray iron
11 casting standpoint, they have the facilities,
12 they have the tonnage.

13 If you look at counterweights
14 specifically, we estimate it's about 75 percent.
15 And that's from a few sources that we have at the
16 World Foundry Organization. I think it might be
17 a little higher than that. The reason for that
18 is the process itself is a vacuum molding
19 process, which was invented in Asia and it's
20 largely stayed there. The one foundry I
21 mentioned domestically here, a captive foundry of
22 Toyota, uses that process. The few other

1 counterweight foundries that are domestic, they
2 are resin sand and they are very small and very
3 uncompetitive.

4 So, that capacity in China for
5 counterweights, a lot of that does come to the
6 U.S., but the Koreans source there, all the
7 Japanese heavy industry folks source there.
8 Obviously, there's a lot of large Chinese
9 equipment manufacturers like SANY who have
10 foundry capacity in China, but just about every
11 large equipment manufacturer in the U.S. is
12 sourcing counterweights through China.

13 MR. SULEWSKI: This is Adam Sulewski
14 with DHS. This question is for LBC Bakery
15 Equipment. You had testified that the same
16 company owns LBC and its factory in China. Is it
17 feasible for LBC to source its ovens and proofers
18 from another country?

19 MR. SMITH: Very difficult. So, the
20 Taiwanese majority owner of LBC, which began
21 business in the '80s in Taiwan, opened up a plant
22 in China in the '90s. And it's heavily

1 vertically integrated. It's got a lot of
2 technology, a lot of laser cutting machines, a
3 lot of C&C machines. It's very well done. And,
4 yes, we could possibly move manufacturing
5 somewhere else, but at what cost? Probably a
6 very high cost that wouldn't make sense. So
7 that's where we're at currently.

8 MS. KORKOS: My question is for Mr.
9 Tai. So, you mentioned that LW Scientific owns
10 its own factory in Shanghai. Can you discuss as
11 well if it's feasible for LW Scientific to modify
12 its pledging?

13 MR. TAI: Yes, thanks for the
14 question. I think it's worth mentioned, too, as
15 a follow-up to that question, that we're somewhat
16 like Flexitallic, Mr. Stokes I think it was, that
17 represented that, even though they had wholly-
18 owned subsidiaries in China, they have not
19 experienced any IP loss or theft or are familiar
20 with particularly unfair trade practices. And
21 we're in the same boat as well.

22 So as I mentioned in the opening part

1 of my statement, we manufacture and distribute an
2 array of products, so it's I guess a multi-
3 faceted answer to the question. All microscopes
4 in some fashion are manufactured in the world in
5 China, in mainland China. All brands: Leica,
6 Olympus, Nikon, German brands like ZEISS and
7 Leica. They're all made in China and they
8 arguably bring them into the United States or
9 German territory or Japan to add value. We're no
10 different than that. So we would not be able to
11 move our microscope sourcing out China, period.

12 As far as other products, for example
13 our heating products, the micro-controllers and
14 the sensors on that are sole-sourced from China.
15 They're just not made anywhere else in the world.
16 We bring those to the States and we add further
17 value through our manufacturing and our assembly.

18 MR. WINELAND: Thank you. Mr. Hoff,
19 a question about sourcing as well. You indicated
20 that your main supplier is CST, an affiliated
21 entity in China. But, with that, is Global Point
22 in a position to source products from some of

1 your other countries that you have relationships
2 with, Taiwan, Thailand, and so forth? Could you
3 talk a little bit more about potential for
4 sourcing from other countries?

5 MR. HOFF: Sure. There's two phases
6 to our supply chain. One, as you mentioned, we
7 source from third party factories, and we source,
8 for lack of a better term, from our own
9 factories. There are some miscellaneous
10 components that we probably could find sources
11 elsewhere. When I first went over in 1984, a
12 majority of our sourcing was done in Taiwan, but
13 through the mid-'80s into the mid-'90s almost
14 every one of our Taiwan sources moved to China.
15 We have a couple old legacy products that we
16 still bring in from Taiwan, so we don't have a
17 large supply base there anymore.

18 We bring one specific product,
19 incandescent lamps, in from Thailand. It's a
20 dying business, so we don't have much of a supply
21 base there. But a majority of the products that
22 301 impacts are from our own factories, and for

1 me to relocate a factory would be very costly.
2 An awful lot of our components are used --
3 probably 40 percent of our production is to the
4 automotive industry where we have a very long
5 validation period. I'm sure most of you know
6 that it takes years to validate an automotive
7 sub-assembly.

8 So, timing would probably be a bigger
9 problem than the actual cost to fund a new
10 factory. But, furthermore to that, we have our
11 100 percent owned, wholly-owned foreign factory
12 in China. We've done -- 75 percent of our
13 production stays in China. We have huge growth
14 plans there because we've been able to sell to
15 the automotive industry there very successfully.
16 So I really wouldn't like entertaining the fact
17 that I'd have to dilute that factory by locating
18 elsewhere.

19 MS. PSILLOS: Mr. McGuire, can you
20 elaborate on how the proposed tariff on bearings
21 would affect the other aspects of your business
22 that you mentioned in your testimony, such as

1 services, R&D, and technical support?

2 MR. McGUIRE: My main point in
3 bringing those up was that that is all part of
4 what the customer gets as product. And it's
5 performed here. That was the point of it. The
6 R&D, the engineering, we do things like bearing
7 failure analysis that help customers to identify,
8 if they have a problem, to identify how to solve
9 the problem. And that was the point that I was
10 bringing up there, is that that is all work
11 performed here.

12 MS. PSILLOS: And I would just
13 encourage, so, Mr. McGuire, if it's not already
14 in your submission from May 11th, the specific HS
15 numbers.

16 MR. McGUIRE: It is.

17 MS. PSILLOS: Okay.

18 MR. McGUIRE: It is.

19 MR. BISHOP: We release this panel
20 with our thanks. At this point we stand in
21 recess until 9:00 a.m. tomorrow in Courtroom A,
22 which is across the hall. If you come to this

1 room tomorrow, you can enjoy the Commission's
2 antidumping and countervailing duty hearing on
3 polytetrafluoroethylene, or PTFE, resin.

4 Otherwise, join us at 9:00 a.m. in
5 Courtroom A. Thank you all so much.

6 (Whereupon, the above-entitled matter
7 went off the record at 4:41 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Section 301 Tariffs Public Hearing

Before: US Trade Representative

Date: 05-16-18

Place: Washington, DC

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