

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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FRIDAY
JUNE 21, 2019

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The 301 Committee met in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street, SW, Washington, D.C., at 9:30 a.m., Arthur Tsao and William Busis, Chairs, presiding.

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative
ARTHUR TSAO, Chair, U.S. Trade Representative
JULIE ADAMS, Department of State
ADA BACETTY, Department of Agriculture
CHRISTOPHER BLAHA, Department of Commerce
PRAVEEN DIXIT, Department of Commerce
MATTHEW FRATERMAN, Department of Labor
JEAN JANICKE, Department of Commerce
COURTNEY LANG, Department of Commerce
PETER MAIER, Department of the Treasury
SAGE MITCH, Department of the Treasury
TANYA SMITH, Small Business Administration
ANDREW STEPHENS, Department of Agriculture
ARI SULBY, Department of State

SHELLY ZHAO, U.S. Trade Representative

ALSO PRESENT

BILL BISHOP, International Trade Commission
TYRELL BURCH, International Trade Commission

WITNESSES PRESENT

CARLO BARGAGLI, Ideaitalia Contemporary
Furniture
JAMES BARTHEL, Primex Family of Companies
MIKE BOBER, Pet Industry Joint Advisory Council
JAMES CANNON, American HFC Coalition
STEVE CISTULLI, Coolpad Americas
JASON CLERKE, Garrett Hewitt International
JOSEPH COHEN, Snow Joe LLC
JAMES DAILY, SimpliSafe Inc.
JEFF FERRY, Coalition for a Prosperous America
DAVID FRENCH, National Retail Federation
PETER GOGGI, Tea Association of the U.S.A., Inc.
EVA HAMPL, United States Council for
International Business
THOMAS HARMAN, Balsam Brands Inc.
LANCE HART, DEMDACO
PAUL HUNT, PetSmart Inc.
LINDSEY HUTZLER, Lindsey Hutzler
MIKE JACOBSEN, Ridge Tool Company
COLLEEN KARIS, Colleen Karis Designs LLC
KATIA KELSO, Ulla Johnson
ALEXANDER KOFF, Nearly Natural
JOHN KUNES, Fuling Plastics USA
DOUGLAS LAUER, Old World Christmas
D.J. MCGUIRE, Instructor of Economics at
Tidewater Comm. College
HILARY MOFFETT, Occidental Chemical Corporation
LINDA MOORE, TechNet
MARY JO MUOIO, GEODIS
KURT NAGLE, American Association of Port
Authorities
DAVID PARRISH, Blount
HUN QUACH, Retail Industry Leaders Association
BRYAN RILEY, National Taxpayers Union
NICK SALZA, Leaf Tea
HEATHER SHEPARDSON, Rauch Brands

DAVID SNYDER, American Property Casualty
Insurance Association

STEVEN STOKES, Propel Trampolines LLC

KEN STRAIT, Tractor Supply Company

SCOTT SVIHULA, Hula Consulting LLC

K.C. SWANSON, Coalition of Services

MARTY THOMAS, Moen Incorporated

PETER TOMPA, Global Heritage Alliance

M. TRAVIS STIER, American Down and Feather
Council

CRAIG UPDYKE, National Electrical Manufacturers
Association

JASON WALKER, First Tea North America, LLC

JOSH WERTHAISER, Feather and Down Downlite

JARED WESSEL, Spectrum Brands Holding

NAOMI WILSON, Information Technology Industry
Council

ANN WILSON, Motor & Equipment Manufacturers
Association

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

2 (9:29 a.m.)

3 MR. BISHOP: Will the room please come
4 to order.

5 CHAIR TSAO: Good morning and welcome.
6 The Office of the United States Trade
7 Representative, in conjunction with the
8 interagency Section 301 Committee, is holding
9 this public hearing in connection with the
10 Section 301 investigation of China's acts,
11 policies, and practices related to technology
12 transfer, intellectual property, and innovation.

13 As explained in a notice published on
14 May 17, 2019, the United States Trade
15 Representative, at the direction of the
16 President, is considering a modification of the
17 action being taken in the investigation in the
18 form of additional duties of up to 25 percent on
19 a list of products from China with an annual
20 trade value of approximately \$300 billion.

21 The purpose of this hearing is to
22 receive public testimony regarding the proposed

1 tariff action.

2 The Section 301 Committee will
3 carefully consider the testimony and written
4 comments, including post-hearing rebuttal
5 comments, and will then make a recommendation to
6 the U.S. Trade Representative.

7 Before we proceed with the testimony,
8 I will provide some procedural and administrative
9 instructions, and ask the agency representatives
10 participating in the hearing today to introduce
11 themselves.

12 The hearing is scheduled for seven
13 business days, concluding Tuesday, June 25th.
14 Today is Day 5 of the hearing. We have scheduled
15 55 panels of witnesses with over 300 individuals
16 scheduled to testify.

17 The provisional schedule has been
18 posted on USTR's Web site. We have eight panels
19 of witnesses scheduled to testify today. We will
20 have a brief break between panels and a 50-minute
21 break for lunch.

22 Each witness appearing at the hearing

1 is limited to five minutes of oral testimony.
2 The light before you will be green when you start
3 your testimony, yellow means you have one minute
4 left, and red means that your time has expired.

5 After the testimony from each panel of
6 witnesses, the Section 301 Committee will have an
7 opportunity to ask questions. Committee
8 representatives will generally direct their
9 questions to one or more specific witnesses.

10 As stated in the May 17th notice,
11 post-hearing comments, including any written
12 responses to questions from the Section 301
13 Committee are due seven days after the last day
14 of the hearing.

15 As noted, the hearing is scheduled to
16 conclude on June 25th, which means that all post-
17 hearing comments are due by no later than July 2,
18 2019. The rules and procedures for written
19 submissions are set out in the May 17th Federal
20 Register notice.

21 Given the number of witnesses and the
22 schedule, we request that witnesses, when

1 responding to questions, be as concise as
2 possible. Witnesses should recall that they have
3 a full opportunity to provide more extensive
4 responses in their post-hearing submissions.

5 No cameras, or videos, or audio
6 recording will be allowed during the hearing.
7 Written transcripts of this hearing will be
8 posted on the USTR Web site and on the Federal
9 Register docket.

10 We're pleased to have international
11 trade and economic experts from a range of U.S.
12 Government agencies, and at this time, I would
13 like to ask the Committee to introduce ourselves.
14 I'll start.

15 My name is Arthur Tsao. I'm an
16 Associate General Counsel at the U.S. Trade
17 Representative's Office.

18 MS. ADAMS: Good morning. I'm Julie
19 Adams from the State Department's Bilateral Trade
20 Office in the Economic and Business Affairs
21 Bureau. Thank you.

22 MS. JANICKE: Good morning. I'm Jean

1 Janicke from the Department of Commerce
2 International Trade Administration.

3 MS. ZHAO: Good morning. Shelly Zhao,
4 Office of the U.S. Trade Representative.

5 MS. BACETTY: Good morning. Ada
6 Bacetty, U.S. Department of Agriculture, Foreign
7 Agricultural Service.

8 MS. MITCH: Thank you. I'm Sage Mitch
9 with the Treasury Department.

10 MR. FRATERMAN: Matthew Fraterman.
11 Department of Labor.

12 CHAIR TSAO: And, Mr. Bishop, we're
13 ready to begin.

14 MR. BISHOP: Mr. Chairman, our first
15 witness on this panel is Peter Goggi with the Tea
16 Association of the USA, Incorporated. Mr. Goggi,
17 you have five minutes.

18 MR. GOGGI: Thank you. Thank you, Mr.
19 Chairman and Members of the Committee. The Tea
20 Association of USA thanks you for the opportunity
21 to respond to the proposed modification of
22 actions pursuant to Section 301, China's acts,

1 policies, and practices related to technology
2 transfer, intellectual property, and innovation.

3 Our recommendation is to remove black
4 and green teas, HTS subheadings 0902, and instant
5 tea, extracts of tea, the 2101 series, from the
6 proposed product list.

7 As the President of the Tea
8 Association of the USA, I appreciate the
9 opportunity to present testimony to the Section
10 301 Committee about the importance of the tea
11 industry in the United States and the
12 disproportionate economic harm these tariffs
13 would have on U.S. tea businesses and U.S.
14 consumers.

15 Founded in 1899, the Tea Association
16 of USA, Incorporated was formed to promote and
17 provide the interests of the tea trade in the
18 United States and is the recognized independent
19 authority on tea.

20 It is also one of the oldest trade
21 organizations in the U.S. Our members span the
22 full tea supply chain from growers to packers.

1 The tax and duty-free import of tea
2 was one of the founding tenets of the American
3 Revolution. The free and unencumbered import of
4 pure tea from its origin is a centuries' old
5 tradition.

6 The purpose of the tariffs is to
7 change China's practices relating to technology
8 transfers, intellectual property, and innovation.
9 Imposing punitive tariffs on tea would not be
10 effective in changing these practices because tea
11 exports are actually a very small part of China's
12 overall tea sector.

13 Most tea that China's produces is
14 consumed domestically. Moreover, the tea trade
15 does not suffer from unfair technology transfers,
16 theft of intellectual property, or stifled
17 innovation.

18 Further, punitive tariffs would have
19 a disproportionate economic impact on small and
20 medium-sized enterprises because most of the U.S.
21 importers, those that pay the tariffs, are small
22 businesses.

1 The United States is not a tea
2 producing nation. There is virtually no
3 commercial tea grown that needs to be protected
4 by tariffs, nor are there any farm-based jobs
5 that would be protected.

6 Like wine, tea varies dramatically due
7 to local terroirs, which is a combination of
8 geography, climate, and local manufacturing
9 techniques.

10 China has many unique teas that are
11 unavailable elsewhere due to their unique
12 cultivars, terroirs, and processing methods. In
13 the area of specialty tea, many teas are unable
14 to be sourced anywhere else in the world.

15 Tea production long predates China's
16 rise as a manufacturing powerhouse. It is a
17 rural-based, long-term crop that was not designed
18 to capture foreign business. It's primary market
19 is domestic, which will benefit from a rise in
20 supply due to smaller exports.

21 Further, the percentage of tea
22 exported from China is minimal and China would

1 not be impacted. According to the figures from
2 the International Tea Committee 2017 annual
3 bulletin of statistics, China produces about 5.2
4 billion pounds of tea and retains about 4.5
5 billion pounds for domestic consumption.

6 China's exports of approximately 42.7
7 million pounds to the U.S. is less than 1 percent
8 of their total production. This quantity is not
9 a meaningful amount of tea considering their huge
10 production.

11 The imposition of tariffs on Chinese
12 tea will not impact the Chinese producer, the
13 exporter, or their government. However, it will
14 negatively impact the U.S. consumer.

15 We strongly urge you to forego a tax
16 or tariff on tea as it will negatively impact
17 American businesses and citizens, and will have
18 virtually no effect on the trade issues with
19 China.

20 I thank you for the opportunity to
21 provide my testimony to this Section 301
22 Committee.

1 MR. BISHOP: Thank you, Mr. Goggi.
2 Our next witness is Jason Walker with First Tea
3 North America, LLC. Mr. Walker, you have five
4 minutes.

5 MR. WALKER: Thank you. First Tea
6 North America and I personally thank you for the
7 opportunity to respond to the proposed
8 modification of action pursuant to Section 301,
9 China's acts, policies, and practices related to
10 technology transfer, intellectual property, and
11 innovation.

12 On behalf of our company, our
13 customers, and U.S. tea consumers, we request the
14 removal of black and green teas related to HTS
15 codes 0902 and instant tea extracts of the 2101
16 series from the proposed list.

17 As the marketing director of the
18 leading importer of Chinese specialty teas in the
19 U.S., I appreciate the opportunity to present
20 testimony to the Committee about the importance
21 of the tea industry in the U.S. and the economic
22 harm that these tariffs would have on U.S. tea

1 businesses and U.S. consumers.

2 The current success and future growth
3 of the U.S. tea industry, particularly specialty
4 tea, is shaped by access to Chinese tea imports.

5 The expressed intent of the tariffs is
6 to change China's practices related to technology
7 transfers, intellectual property, and innovation.
8 Imposing these punitive tariffs on tea would not
9 be effective in changing these practices because
10 tea exports are a very small part of China's
11 overall tea sector.

12 Most tea that China produces is consumed
13 domestically. Moreover, the U.S. tea trade does
14 not suffer from unfair technology transfers,
15 theft of intellectual property, or stifled
16 innovation.

17 Further, punitive tariffs on tea would
18 have a disproportionate economic impact on small
19 and medium-sized enterprises because most of the
20 U.S. importers, those that pay the tariffs, are
21 small businesses.

22 Tea production long predates China's

1 rise as a manufacturing powerhouse. It is a
2 rural-based, long-term crop that was not designed
3 to capture foreign business, and according the
4 International Tea Committee 2017 Annual Bulletin
5 of Statistics, China produced approximately 5.2
6 billion pounds of tea and retained approximately
7 4.5 billion pounds of tea for domestic
8 consumption.

9 China exports less than 1 percent of
10 total tea production to the U.S., that's 0.042
11 billion pounds. This quantity is not a
12 meaningful amount of tea from the perspective of
13 Chinese tea producers.

14 The imposition of tariffs on Chinese
15 tea will not impact the Chinese producer,
16 exporter, or the tea industry in China, however,
17 it will negatively impact U.S. tea businesses and
18 the U.S. consumer.

19 The U.S. is not a tea-producing
20 nation. There is virtually no commercial tea
21 grown that needs to be protected by tariffs, nor
22 are there any farm-based jobs that would be

1 protected.

2 Tea is a growing industry in the U.S.
3 with specialty tea as a significant driver of
4 that growth. The American tea industry is
5 growing at an annual rate of 3 to 6 percent, with
6 specialty teas as an important contributor to
7 that growth.

8 The U.S. imported over 263 million
9 pounds of tea in 2018. By volume, 15 to 20
10 percent of all tea imported in the U.S. each year
11 comes from China, but in dollar value, Chinese
12 teas represent nearly 30 percent of teas imported
13 to the U.S.

14 Many of the Chinese teas imported were
15 higher value teas compared to the tea imports
16 from other countries, so the Chinese portion of
17 U.S. tea imports is a significant contributor to
18 the value of tea products in the U.S.

19 On any given day, half the U.S.
20 population is drinking tea and they are
21 increasingly drinking more higher value specialty
22 teas like Chinese teas.

1 Like wine, tea varies dramatically due
2 to local terroir. China has many unique teas
3 that are unavailable elsewhere due to their
4 unique cultivars, their terroirs, and their
5 processing methods.

6 In the area of specialty tea, many
7 teas cannot be sourced from anywhere else in the
8 world.

9 Chinese teas have a significant
10 historical and cultural value to America. The
11 Boston Tea Party and similar events of the
12 American Revolution were motivated by onerous and
13 unreasonable impediments to the import of Chinese
14 tea.

15 Given the circumstances, an increased
16 tariff on China teas will harm U.S. tea
17 businesses and the American tea-drinking public
18 significantly more than any economic impact on
19 the tea industry in China.

20 We strongly urge you to forego a
21 tariff on tea as it will negatively impact
22 American businesses and citizens, and have no

1 effect on the trade issues with China.

2 Thank you for the opportunity to
3 provide my testimony to this Committee.

4 MR. BISHOP: Thank you, Mr. Walker.
5 Our next witness is Eva Hampl with the United
6 States Council for International Business. Ms.
7 Hampl, you have five minutes.

8 MS. HAMPL: Thank you. And good
9 morning to the Committee. The United States
10 Council for International Business welcomes the
11 opportunity to, again, provide comments and
12 recommendations on the proposed Section 301
13 tariffs.

14 USCIB promotes open markets,
15 competitiveness, and innovation. Our members
16 include top U.S.-based global companies and
17 professional services firms from every sector of
18 the economy, with operations in every region of
19 the world.

20 As the U.S. affiliate of the
21 International Chamber of Commerce, the
22 International Organization of Employers, and the

1 Business Industry Advisory Committee to the OECD,
2 USCIB has a unique global network through which
3 it provides business views to policymakers and
4 regulatory authorities worldwide, and works to
5 facilitate international trade investment.

6 USCIB submitted comments on the first
7 three lists of proposed tariffs, which have now
8 taken effect, and again, against which China has
9 retaliated. Our members are very concerned that
10 these proposed tariffs, effectively imposing
11 tariffs on all Chinese imports, will stifle the
12 U.S. economy and not achieve the Administration's
13 goal of changing China's behavior.

14 Rather than creating more
15 opportunities for U.S. business, sweeping tariffs
16 will restrict U.S. agriculture, goods, and
17 services exports, and raise costs for businesses
18 and consumers.

19 China's retaliation and threats of
20 future retaliation further exacerbate
21 uncertainties caused by this proposed action.

22 USCIB strongly urges the

1 administration to consider the significant
2 negative consequences of U.S. companies and
3 American jobs before taking further action.

4 The negative impact of such tariffs on
5 U.S. consumers and industry appears
6 disproportionate to the intended purpose of the
7 301 action. The impact of USCIB members of
8 various industries spans many chapters of the
9 Harmonized Tariff Schedule, including Chapters
10 29, 39, 48, 61, 62, 63, 64, 66, 67, 69, 71, 73,
11 76, 84, 85, 87, 90, 91, 94, 95, and 96.

12 Goods affected, which we ask to be
13 removed from the list include, but are not
14 limited to, various consumer electronics,
15 including laptops and other computers, tablets,
16 mobile phones, e-readers, connected devices,
17 gaming consoles, and televisions, as well as
18 power mops, electric shavers, electric air
19 fresheners, ink and toner cartridges, small
20 appliances, like coffee makers and pressure
21 cookers, toys, footwear and apparel, and
22 sucralose.

1 Further details on these products,
2 including specific HTS codes, are included in our
3 written submission.

4 China's forced technology transfer
5 requirements, state interventions, and other
6 unfair practices harm many U.S. companies,
7 workers, and consumers, as well as U.S.
8 competitiveness.

9 However, these tariffs can also
10 similarly endanger the U.S. economy. Given the
11 close relationship of the U.S. and Chinese
12 markets, the imposition of yet another set of
13 tariffs would affect many sectors vital to the
14 U.S. economy and jobs, severely impacting U.S.
15 consumers and competitiveness.

16 Specifically, this proposed list now
17 include categories of products that only impact
18 U.S. companies and not their global competitors.
19 Ceding market share to competitors is not
20 weakening the Chinese economy, it is merely
21 weakening the U.S. market.

22 Consumer products generally, and

1 electronics specifically, are heavily impacted by
2 this proposed list of goods. USTR specifically
3 broke out certain products from List 3 for the
4 reason of disproportionate impact on consumers.
5 This list adds them back in.

6 The Administration has indicated that
7 the goal of imposing tariffs on Chinese imports
8 is to provide leverage in its negotiation with
9 China on its unfair trade practices.

10 If that is the goal, then we strongly
11 urge the Administration to continue engaging in a
12 dialog with China to negotiate an outcome. This
13 should include developing a strategy with
14 clearly-defined objectives, a direct negotiating
15 mechanism with the Chinese, targeted
16 deliverables, and deadlines with measurable
17 results.

18 The administration should also
19 coordinate in various available forums with like-
20 minded trading partners who are similarly
21 afflicted by China's actions on intellectual
22 property rights, forced technology transfer, and

1 discriminatory industrial policies.

2 Tariffs are taxes paid by U.S.
3 companies and consumers. Taxing Americans and
4 the uncertainty created in the market by these
5 actions does not make the U.S. economy more
6 competitive.

7 Thank you for the opportunity to
8 testify and I look forward to your questions.

9 MR. BISHOP: Thank you, Ms. Hampl.
10 Our final witness on this panel is D.J. McGuire,
11 instructor of economics and Tidewater Community
12 College. Mr. McGuire, you have five minutes.

13 MR. MCGUIRE: Good morning and thank
14 you for inviting me here today. My name is D.J.
15 McGuire. As mentioned, I'm an instructor in
16 economics at Tidewater Community College in
17 Norfolk, a contributor to the Bering Drift Blog,
18 and a member of the More Perfect Union Podcast.

19 I am here to discuss the tariffs
20 proposed under docket USTR 2019-4. I recommend
21 that all of the proposed tariffs be canceled
22 rather than implemented, as they will be

1 counterproductive and damaging to the American
2 economy.

3 This does not mean that I am sanguine
4 about the behavior to the Chinese Communist
5 Party. Quite the opposite, in fact. The Chinese
6 Communist Regime has manipulated the goodwill of
7 the United States and our allies time and again
8 in the realm of geopolitics and in the realm of
9 economics.

10 It should not surprise us that the
11 Chinese Communist Party has broken its promises
12 to us and to our allies, for even now, they are
13 breaking a promise to the people of Hong Kong.
14 The promise that the former British colony's
15 history of reference for the rule of law would be
16 respected.

17 Not only is this bad faith suspended,
18 but not withdrawn, heartbreaking to the people of
19 that city, it would also mean the end of an era
20 when Hong Kong was a shining example of economic
21 freedom.

22 The fall of that Hong Kong shows that

1 Xi Jinping and his cohorts have very different
2 ideas for the global economy, ideas far darker
3 than ours.

4 That said, to recognize the problem
5 and to devise the correct solution are two very
6 different things. In this case, the proposed
7 tariffs, and indeed, the preceding tariffs on
8 Chinese goods already in place, are ill-advised.

9 Contrary to the assertions of many,
10 these tariffs are taxes that will be paid by the
11 importers, namely, our fellow Americans. Asking
12 them to pay for the bad actions of the Chinese
13 Communist Party is unfair, unnecessary, and
14 damaging to our economy.

15 They will lead to higher prices for
16 goods and services, and for inputs. More costly
17 goods and services lead to a higher cost of
18 living, lower savings from Americans, and a lower
19 supply of financial capital for entrepreneurs and
20 for small businesses.

21 More costly inputs will lead firms to
22 reduce production in employment, to raise prices,

1 or to do both. Consumption investment and
2 savings will all be negatively impacted by these
3 tariffs.

4 If we wish to reduce our imports from
5 Communist-controlled China, and we should wish to
6 do so, there is a way to accomplish that without
7 the collateral damage these proposed tariffs
8 would bring.

9 The tariffs would make Communist-
10 controlled China relatively less attractive as a
11 source of goods and inputs compared to our allies
12 and to other democracies in the region.

13 There is another way to achieve this.
14 Namely, by lowering tariffs and trade barriers
15 with those allies and those fellow democracies.
16 This would achieve the same relative impact, vis-
17 a-vis, Communist-controlled China, with the added
18 benefit of the prosperity that freer trade will
19 bring to all who would take part; lower prices,
20 higher savings, more business investment, and
21 more jobs.

22 Indeed, such an arrangement is already

1 in place, namely, the Trans-Pacific Partnership.
2 Before we left the TPP in 2017, it was intended
3 to be the framework for a Pacific-wide free trade
4 area, and in fact, it is just that today, only
5 without us.

6 It would far more advantageous to us
7 and damaging to the Chinese Communist Party if we
8 were to rejoin the Trans-Pacific Partnership
9 rather than maintaining the tariffs currently in
10 place, let alone adding to it, as proposed in
11 this docket.

12 Ronald Reagan was arguably the most
13 hostile American president to the Soviet Regime.
14 He spent eight years in office deploring,
15 opposing, and resisting the Soviets, yet, even he
16 recognized that the grain embargo on the Soviet
17 Union that he inherited was far more trouble than
18 it was worth. He lifted it three months into his
19 presidency.

20 These proposed tariffs, as well as
21 those already in place on Chinese imports, are
22 also more trouble than they're worth. The

1 existing tariffs should be lifted, the proposed
2 tariffs in this docket should be canceled, and
3 trade barriers with our allies and with our
4 fellow Pacific democracies should be lowered.

5 I thank you again for your time.

6 MR. BURCH: Thank you, Mr. McGuire.

7 And, Mr. Chairman, that concludes all witnesses'
8 testimonies.

9 MS. BACETTY: All right. Good
10 morning. Mr. Goggi, thank you for your testimony
11 today. Your testimony discusses the effects
12 additional tariffs may have on green and black
13 tea sourced from China.

14 You've provided the information on the
15 size of the tea industry, but I was hoping
16 whether you could provide some information on
17 whether it would be economically important in
18 certain regions of China, if you could elaborate
19 on that.

20 MR. GOGGI: When you look at the
21 imports of Chinese tea into the U.S., they're
22 predominantly -- 70 percent of the green imports

1 into the United States are Chinese origin, and
2 about 9 percent are black; from black teas.

3 When you look at the production
4 regions, most of the teas are produced in rural
5 areas. And it really spans, virtually, east to
6 west across the southern portion of China, so
7 it's multiple areas within China that would be
8 impacted, not just one more than another.

9 MS. BACETTY: Thank you. In your
10 view, how would you impose -- how would any
11 imposition of tariffs affect Chinese suppliers?

12 MR. GOGGI: Well, fundamentally, it
13 wouldn't, because they don't pay the tariff. The
14 people who are importing the tea pays the tariff.
15 While there are some teas that China produces
16 that one could call inelastic because they're so
17 unique and so expensive that people would still
18 buy them, even with the expense, a large amount
19 of tea, particularly the green that I referred to
20 before, would just be passed on to the consumer.

21 When one looks at tariffs
22 traditionally, the first thing that a supply

1 chain looks at is, where can we find that savings
2 in the supply chain? Tea supply chain is very
3 transparent and is very minimal markups along the
4 way, so no one could bear the brunt of a 25
5 percent addition.

6 So what happens is that, if you
7 operate under a contract from the United States
8 Tea Association, for example, the buyer is
9 responsible. So if I'm an importer, I buy from
10 China, and then I sell to a packer, the packer is
11 the one that owns, ultimately, the 25 percent
12 tariff.

13 What's he going to do with it? He's
14 going to pass it on to his consumer in terms of
15 price. So it really falls into, there's no slush
16 point within the value chain that allows anybody
17 to gain this 25 percent back and it's going to go
18 right to the American consumer.

19 MS. BACETTY: Thank you.

20 MR. GOGGI: You're welcome.

21 CHAIR TSAO: Sir, I have a follow-up.
22 Are there any -- I guess, I'm trying to get an

1 idea, what's the segment of the market in terms
2 of the tea market, where would the Chinese tea
3 lie in that segment? Are they in the higher end,
4 middle end, or lower end?

5 MR. GOGGI: The answer is yes. When
6 we kind of look at the tea market in the U.S.,
7 there's a lot of fuzzy definitions, but you look
8 at grocery, you know, a Lipton tea bag for
9 example, specialty tea, which can exist in store
10 shelves, higher end teas, but mainly these days
11 refers to mom-and-pop, brick-and-mortar stores,
12 Teavana-type of places, mail order, et cetera.

13 Then you have food service as well, so
14 Chinese tea cuts across all of those forms. So
15 whether it's part of a blend in a restaurant
16 that's serving sweet tea down South, or whether
17 it's a unique gongfu that's being sold online by
18 mail order, it's there.

19 So there isn't one section of the tea
20 market that is not touched by Chinese tea.

21 CHAIR TSAO: But I understand that,
22 but are there segments of the tea market that are

1 more affected by any imposition of duties than
2 others?

3 I mean, I would imagine a rare Pu-Erh
4 is probably more price inelastic.

5 MR. GOGGI: So the specialty tea would
6 be less impacted in terms of people's ability or
7 willingness to pay more money, and where the
8 consumer would really bear the brunt is the lower
9 end commercial teas where they need to seek
10 alternate solutions or pay more for the tea,
11 which means a poorer quality of product
12 ultimately.

13 MS. ADAMS: Good morning.

14 MR. GOGGI: Morning.

15 MS. ADAMS: Mr. Walker, thank you for
16 your testimony. We understand that your company
17 is a subsidiary of Zhejiang Tea Group, I'm not
18 sure I pronounced that correctly, that's China's
19 largest tea exporter.

20 What effects would the tariffs have on
21 Zhejiang?

22 MR. WALKER: On Zhejiang Tea Group,

1 again, because of the amount of tea that stays
2 within China, the impact would be negligible to
3 that group.

4 MS. ADAMS: Thank you. Does Zhejiang
5 Tea Group have plans to reach out, that you're
6 aware of, to the Government of China to encourage
7 the government to eliminate policies and
8 practices that are the subject of this
9 investigation? Are you aware of that?

10 MR. WALKER: I know they are in
11 contact. I'm not sure what kind of messages have
12 been relayed back and forth related to that.

13 MS. JANICKE: Good morning. This
14 question is for Ms. Hampl of USCIB. You noted in
15 your testimony the importance of dialog and
16 coordination at the government level, and my
17 question is whether, given your description of
18 your organization's engagement internationally,
19 whether your organization is engaged in a similar
20 dialog and coordination to address the practices
21 in China, either with like-minded countries or
22 with your Chinese counterparts?

1 MS. HAMPL: Thank you for the
2 question. Yes, so we are, as I mentioned, the
3 U.S. affiliate to the Business and Industry
4 Advisory Committee at the OECD, as well as work
5 with the International Chamber of Commerce, and
6 then also the International Organization of
7 Employers, and that's part of the work with the
8 International Labour Organization.

9 And on trade issues specifically, and
10 China more pointedly, we work through the ICC as
11 well as also, at the OECD. Of course, we work --
12 this work is done in quite different ways, so at
13 the ICC, which is a -- you know, we're working on
14 the business side with various partners that are
15 facing these same issues, the OECD has the
16 advantage that we also, again, work with the
17 different business associations that are partners
18 through the OECD, but the OECD, of course, China
19 is not a member of the OECD.

20 They do often sit in meetings and so
21 we have the opportunity to sometimes even have
22 that dialog directly, but yes, the short answer

1 is, we absolutely work with our partners, and one
2 thing we're certainly finding in our companies,
3 of course, are also active globally is that,
4 everyone is really facing the same issue.

5 And even with everything going on
6 right now between the U.S. and Europe, you know,
7 one of the main issues that is connecting us are
8 the troubles we're facing with China.

9 So we're trying to, from a business
10 perspective, do our part, and, kind of
11 collectively, inform the governments of those
12 issues, and we would have, from that perspective,
13 certainly been encouraging, and also our
14 respective governments to do the same.

15 MS. JANICKE: Thank you.

16 MS. ZHAO: If I may follow-up, Ms.
17 Hampl, could you elaborate on the single practice
18 that is the most concern to your organization?

19 MS. HAMPL: A single practice by?

20 MS. ZHAO: A single unfair practice
21 you're experiencing with China.

22 MS. HAMPL: Well, there's really no

1 good answer to that because there's so many
2 things. We certainly, from a business
3 perspective, agree with the findings of the 301
4 report.

5 The single practice that is currently
6 the biggest concern to us are the
7 administration's tariffs being imposed on our --
8 on the imports that our companies need in order
9 to be competitive in the global market.

10 But certainly, I mean, intellectual
11 property issues, the force tech transfer, I mean,
12 those are quite central to what poses the problem
13 for our companies.

14 USCIB also submits every year,
15 comments on the investigation on China's
16 compliance with its WTO commitment, so I'd be
17 happy to share a much longer document of the
18 running issues that we face.

19 The reason that we're here today is
20 not because China isn't a problem, and because
21 it's not a difficult market, and because these
22 issues don't need to be resolved, it's because

1 this proposed solution is not having the effect
2 currently of resolving those issues.

3 We believe that the only way out of
4 this would be to have a, hopefully, resolution in
5 the form of a deal that actually resolves the
6 core problems that were cited in the 301 report.

7 These tariffs, particularly this
8 tranche, that targets consumer goods, which the
9 Administration has previously specifically stated
10 were not going to be targeted, has such a
11 disproportionate effect on the U.S. economy that
12 we fail to see how this is supposed to make us
13 more competitive and help with our -- especially
14 our innovative industries, where we are market
15 leaders right now.

16 MS. MITCH: Thanks very much for your
17 testimony. My question is for Mr. McGuire, in
18 your testimony today, you focused on the domestic
19 impacts on American consumers from the tariff
20 measures under discussion, but I would be
21 interested if you've analyzed the extent to which
22 tariffs might reduce receipts to producers in

1 China, either through price reductions or lower
2 production volumes also.

3 MR. MCGUIRE: Well, the assumption on
4 that comes from either -- comes from the
5 possibility that the United States is in a
6 position where we can effectively change the
7 terms of trade.

8 The first problem with that is, it
9 assumes that the United States, as an economy, is
10 large enough, in terms of GDP share, to do so,
11 that is currently under debate.

12 The second thing is, that theory,
13 effectively, invites, if not commands,
14 retaliation, because the Chinese economy is
15 second, only to ours, in GDP share, and in fact,
16 larger than ours through purchase power, person
17 power, parity measurement.

18 So in terms of whatever gains of trade
19 we might get, assuming they would happen, they
20 would be wiped out by retaliation.

21 The other thing we have to remember
22 is, in regards to Chinese exporters and the

1 Chinese economy, it is still very much a state-
2 run and a state-controlled economy over there.

3 And to the extent that any damage
4 might come to any exporters, it would almost
5 certainly be countered by a various government
6 policy that the regime would put in place to keep
7 their exporters going, that's assuming the
8 exporters are politically favored in Beijing,
9 otherwise they have much bigger problems than our
10 tariffs.

11 MR. BISHOP: We release this panel
12 with our many thanks and invite the members of
13 our next panel to please come forward and be
14 seated.

15 (Whereupon, the above-entitled matter
16 went off the record at 10:07 a.m. and resumed at
17 10:17 a.m.)

18 MR. BISHOP: The first witness is
19 Lindsey Hutzler of Hutzler Manufacturing. Ms.
20 Hutzler, you have five minutes.

21 MR. HUTZLER: Good morning and thank
22 you for the opportunity to testify before you

1 today. My name is Lindsey Hutzler and as an
2 employee of a Connecticut-based small business
3 that designs and manufactures kitchenware, as a
4 member of the International Home and Housewares
5 Association, and as a volunteer who works with
6 students considering careers in science,
7 technology, engineering, and math, the
8 ramifications of the List 4 China 301 tariffs are
9 of particular concern to me.

10 These tariffs pose a threat to the
11 30.2 million small businesses which employ almost
12 half of the U.S. workforce, and to students
13 considering further training and employment in
14 STEM and the manufacturing sector.

15 Of particular concern are the
16 following HTS codes which I would like to ask for
17 removal, 3924.10.40, tableware and kitchen
18 articles, not otherwise included or specified, of
19 plastics, 4010.11.00, 4901.10.00, 4901.99.00,
20 4819.10.00.40, 8471.30.01, 8471.41.01,
21 8471.49.00, 8471.60.20, and 7206.10.00 through
22 7429.00 regarding the importation of stainless

1 steel and iron materials which may be used to
2 produced aircraft and molds domestically.

3 While we produce domestically and
4 source locally whenever possible, technology,
5 materials, and manufacturing processes needed in
6 production are not available or come at a
7 prohibitive cost to small business, which must be
8 passed on to consumers in order to merely break
9 even.

10 Let us consider the following
11 scenario, which is playing out across industry in
12 America today. If a business opts to move their
13 production domestically, the investment involved
14 in purchasing the associated machinery will
15 average one half million U.S. dollars.

16 In order to amortize its investment,
17 it then becomes necessary to raise the price of
18 goods and to reduce ones workforce. This domino
19 effect will stunt industry growth and development
20 by limiting capital available for job vacancies,
21 resources for R&D, and investments in technology.

22 It is estimated that List 4 could lead

1 to a loss of over 936,000 jobs. There is a cost
2 to making goods in America which no one speaks
3 about or is willing to accept.

4 Shifting sourcing is difficult, if not
5 impossible, as we no longer have the
6 infrastructure, the newest technology, or the
7 labor force for manufacturing in the United
8 States.

9 Over the past two decades,
10 manufacturing has been outsourced to locations
11 such as Mexico, Indonesia, and of course, China,
12 which leads the world in manufacturing output at
13 over two trillion U.S. dollars.

14 Over the next decade, it is estimated
15 that 60 percent of manufacturing jobs will go
16 unfilled in the United States due to a widening
17 skills gap.

18 Our education system has yet to bridge
19 the gap with industry, as even students who
20 pursue advance training in STEM are facing high
21 attrition rates.

22 A report issued by the U.S. Department

1 of Education found that between 2003 and 2009, 48
2 percent of students with a Bachelor's Degree and
3 69 percent of those with an Associate's Degree in
4 STEM-related fields, had left those fields by
5 2009.

6 Even if this loophole is closed, jobs
7 may not be available for these graduates due to
8 increased production costs, and to the expense to
9 school districts, which averages anywhere in the
10 tens to hundreds of thousands of dollar to
11 education high school students in STEM.

12 A trade policy that promotes the
13 exchange of goods and ideas without adding
14 unnecessary cost to the supply chain, that does
15 not increase the value of those goods, is
16 paramount.

17 Of greater concern is the need for the
18 U.S. Government to provide stronger protections
19 for intellectual property and consumer safety.
20 We need to enforce patents in order to continue
21 to encourage innovation in the United States and
22 to take a stricter stance against counterfeits

1 flooding the market.

2 Let us have harsher restrictions
3 against bringing in food, chemicals, and
4 pharmaceutical produced in China which lack the
5 appropriate oversight that we expect to have in
6 the substances which we put in our bodies.

7 While our trade partners must also
8 play by the rules and the administration's
9 efforts to enforce this are commendable, it
10 should not come at a cost to our global
11 competitiveness and to American taxpayers.

12 This financial burden should not be
13 shouldered by the small businesses which make up
14 the bulk of employers among the nation's
15 workforce or against the next generation of
16 students pursuing STEM, as we currently face
17 adrift professionals willing to pursue these
18 careers.

19 Thank you again for the opportunity to
20 testify before you today and I look forward to
21 answering your questions.

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

1 Our next witness is James Cannon on behalf of
2 American HFC Coalition. Mr. Cannon, you have
3 five minutes.

4 MR. CANNON: Good morning. I'm here
5 representing the American HFC Coalition. I'm not
6 going to read my written statement that's in
7 front of you. I want to basically summarize it
8 and make four points.

9 The first point is that we're
10 supporting the imposition of 25 percent Section
11 301 tariffs on two ten-digit tariff headings.
12 The first tariff heading covers a refrigerant
13 called R-134A. This is what's found in your
14 automobile. It gives you air conditioning in
15 your car.

16 The second tariff heading covers three
17 discreet HFC components, they are blended, and
18 when in the form of a blend, this is what cools
19 your home. It's in your home air conditioner or
20 it's in the grocery store in the freezer cabinet.

21 Secondly, these products are
22 manufactured in the United States and China, but

1 China has built enormous capacity, C, from the
2 attachments.

3 China's capacity towers over the
4 entire U.S. market, and yet, we are, perhaps, the
5 world's largest market for air conditioning. So
6 they have built excess capacity, targeted at this
7 market, and shipped here.

8 As a result of that, the Coalition has
9 filed two separate anti-dumping cases, both were
10 successful in 2016. The International Trade
11 Commission found we were materially injured. The
12 Commerce Department found that R-134A was dumped
13 by 167 percent, and that's the duty rate.

14 They found that the HFC blends were
15 dumped by 101 percent and up. More recently 285
16 percent in terms of the duty rates that are on
17 these products.

18 And yet, with their enormous capacity,
19 my third point is, the imports from China
20 continue to enter the U.S. market and seize
21 market share.

22 Since the original investigation,

1 Customs has, in multiple cases, investigated
2 evasion of the order. Most recently, on June
3 3rd, the Department of Commerce has started an
4 anti-circumvention inquiry to stop imports that
5 are evading these tariffs.

6 But most importantly, the individual
7 components found in the tariff heading that ends
8 in 35, last two digits of the ten digit are 35.
9 These are the home air conditioner components.

10 They have increased from, essentially,
11 11,000 tons in 2016, when the dumping order was
12 put in place, to 47,000 tons, right?

13 So these imports, this massive
14 capacity targeted at the U.S., right, are
15 hammering the U.S. industry.

16 Now, my fourth point is, a little bit
17 of history about this, so these refrigerants are
18 second, third-generation refrigerants. Freon was
19 invented in the United States years ago, but it
20 has a negative impact on the ozone layer.

21 It's now been under the Montreal
22 protocol band, and the EPA has put in phase-outs

1 for the first generation. So your car used to
2 use something called R-22, your home used to use
3 R-12, actually, I got this backwards.

4 Car used R-12 and your home used R-22.
5 These HFCs are the next generation. They were
6 developed by the U.S. companies who are the
7 members of the HFC Coalition in the United
8 States, who are manufacturing these products
9 here.

10 We are now moving on to the third
11 generation and we want to develop future
12 generations of these products, which become more
13 and more environmentally friendly.

14 So this technology, which historically
15 has been developed in the United States, is
16 seeing an onslaught from China, much like the
17 Chinese have targeted the energy market for
18 alternative sources of energy, right?

19 So solar energy, or wind power, China
20 has targeted that to develop. They have also
21 targeted this market to develop these
22 refrigerants. If we cannot earn an adequate

1 return on investment, we won't be around, we
2 won't be able, to invest in the new future
3 technology.

4 And so this is a perfect candidate for
5 the Section 301 duties. These are high-paying
6 manufacturing jobs. The end product is a bulk
7 intermediate chemical. It's not a product that
8 consumers buy. You don't buy iso tanks of
9 refrigerant.

10 So the American HFC Coalition, for
11 these reasons, fully supports the imposition of
12 25 percent duties because it's fully consistent
13 with the Section 301 program. Thank you very
14 much.

15 MR. BISHOP: Thank you, Mr. Cannon.
16 Our next witness is Hillary Moffett with the
17 Occidental Chemical Corporation. Ms. Moffett,
18 you have five minutes.

19 MR. MOFFETT: Thank you. Good
20 morning. My name is Hillary Moffett, Senior
21 Director of Government Affairs for Occidental
22 Petroleum Corporation.

1 I'm appearing today on behalf of
2 Occidental Chemical Corporation. Occi is a U.S.
3 manufacturer of chlorinated isocyanurates and we
4 support the imposition of Section 301 tariffs on
5 imports of these products from China.

6 Sodium dichloroisocyanurate and
7 trichloroisocyanuric acid, or dichlor and
8 trichlor, we'll use that in the future, are
9 disinfectants used in residential swimming pools.

10 You may know these products as the
11 tablets that homeowners use in their swimming
12 pools or the shock that they add to their pool
13 when the season first opens.

14 Imposition of a 25 percent tariff on
15 Chinese dichlor and trichlor will greatly benefit
16 U.S. manufacturers and the workers as we compete
17 with imports from China.

18 The United States is the world's
19 largest market for dichlor and trichlor. As a
20 result, producers in China built enormous
21 capacity to supply the U.S. market. Statistics
22 available from SRI show that Chinese producers

1 have over 200,000 metric tons of capacity.

2 And by comparison, the total Chinese
3 market consumes only 7000 metric tons. These
4 imports targeted the U.S. market years ago. In
5 2005, Occidental, together with other
6 manufacturers, petitioned for relief under the
7 anti-dumping law.

8 The U.S. Department of Commerce
9 investigated and found that imports of dichlor
10 and trichlor from China were being sold at less
11 than fair value.

12 The International Trade Commission
13 concluded that the unfairly traded imports were
14 causing materially injury to U.S. manufacturers
15 and the workers.

16 After only a few years, however, the
17 Chinese imports had captured an even larger share
18 of the U.S. market.

19 Supported by subsidies from the
20 Chinese Government, the Chinese dichlor and
21 trichlor industry continued to grow and target
22 the U.S. market. In 2014, Commerce concluded

1 that China's imports were benefitting from
2 illegal subsidies and the ITC, again, found that
3 the U.S. industry was suffering material injury.

4 This industry provides high-paying
5 manufacturing jobs to hundreds of employees
6 across the country. The imported products are
7 bulk, intermediate chemicals that are further
8 processed into tablets and packaged for retail
9 sale to consumers.

10 Imposition of tariffs will not have a
11 significant impact on the ultimate consumer of
12 chlorinated isocyanurates. At the same time,
13 placing tariffs on dichlor and trichlor will
14 assist an industry that has suffered the effects
15 of unfair trade for many years.

16 China has built excess capacity using
17 government subsidies and that capacity is
18 squarely aimed at the American market.

19 As such, the imposition of tariffs on
20 imported Chinese chlorinated isocyanurates is
21 fully consistent with the purpose of Section 301
22 remedy.

1 Finally, I'd like to acknowledge the
2 concerns of importers of other chemical products
3 that are covered by the same eight-digit tariff
4 heading covering dichlor and trichlor.

5 Our request is limited solely to the
6 imports of dichlor and trichlor classified under
7 the ten-digit tariff heading, 2933.69.60.15.
8 When List 2 was first proposed, several companies
9 opposed the imposition of tariffs on chemicals
10 covered by the eight-digit tariff heading.

11 Occidental does not support the
12 imposition of Section 301 tariffs on the full
13 tariff category at the eight-digit level.
14 However, it is entirely appropriate and
15 consistent with the goals of Section 301 to
16 impose the tariffs on dichlor and trichlor
17 classified under the subheading 2933.69.60.15.

18 Thank you for your attention and I'm
19 happy to take any questions.

20 MR. BISHOP: Thank you, Ms. Moffett.
21 Our next witness is Jeff Ferry with the Coalition
22 of a Prosperous America. Mr. Ferry, you have

1 five minutes.

2 MR. FERRY: Thank you. Good morning.
3 I'm the Chief Economist with the Coalition for a
4 Prosperous America. We are a bipartisan
5 organization of domestic manufacturers, labor
6 unions, and family farm organizations.

7 We represent the interests of over 4
8 million Americans. Our membership includes
9 domestic producers in industries like machinery,
10 electronic components, auto and truck components,
11 video security products, and more.

12 We count among our members, the
13 nation's largest labor federation, the AFL/CIO,
14 the National Farmers Union, and dozens of family-
15 owned manufacturing firms all across the U.S.
16 employing many thousands of Americans.

17 We are strong supporters of the
18 Section 301 tariffs on China and strongly support
19 extending the tariffs to the full range of U.S.
20 imports from China, with the minimum number of
21 exclusions.

22 Many of our members report that their

1 businesses are doing better since the imposition
2 of the tariffs. We support the tariffs for both
3 national security and economic reasons.

4 Government officials have heard many
5 misleading statements from many critics of the
6 tariffs, Wal-Mart, Amazon, and hundreds of other
7 retailers have a vested interest in suggesting
8 the tariffs are causing harm to consumers.

9 Many of these statements are highly
10 misleading and often factually incorrect. The
11 economics team at CPA has built the only economic
12 model of the impact of across the board tariffs
13 on China on the U.S. economy.

14 To do this, we constructed what
15 economists call a sector-by-sector partial
16 equilibrium model of U.S. imports from China, and
17 then a general equilibrium model of the U.S.
18 economy based on the widely used REMI model.

19 We looked at what would happen to the
20 U.S. economy if permanent across the board
21 tariffs of 25 percent were applied to all Chinese
22 imports from 2020. We looked at how this would

1 impact the U.S. economy over five years through
2 2024.

3 Our analysis assumes that
4 international producers who export from China to
5 the U.S. would respond to tariffs by shifting
6 production out of China, with the majority of the
7 shift going to third countries, and a minority
8 going back to the United States.

9 These shifts are already underway.
10 Our model forecasts that those shifts accelerate
11 between 2019 and 2024. We found that by 2024,
12 the impact of across the board China tariffs
13 would be to boost U.S. GDP by \$125 billion and
14 add up to 721,000 jobs to the U.S. economy.

15 So to be clear, across the board
16 tariffs on China imports will boost jobs and
17 economic growth in the United States. The growth
18 impact comes from two sources, first, the tariffs
19 lead to a general reduction in the cost of U.S.
20 imports because most of the shifting of
21 production out of China goes to countries where
22 costs are lower than producing in China.

1 And secondly, a portion of the
2 production that comes back to the United States
3 boosts the U.S. economy. U.S. goods imports from
4 China last year totaled \$540 billion, with a
5 permanent 25 percent tariff, our China imports
6 will fall 46 percent to just \$292 billion.

7 You may be wondering if our forecast
8 shows a strong, sustained, positive impact from
9 Section 301 tariffs, why do other economic models
10 generate such negative, doom-laden forecasts of
11 the impact of tariffs?

12 Well, those other models ignore the
13 real-world business decisions to exit production
14 in China and reshore some production to the
15 United States. In most cases, those models are
16 funded by interest groups like retailers who want
17 to sell cheap Chinese imports here and don't care
18 how many U.S. jobs are sacrificed along the way.

19 Let me talk about one additional
20 result from our economic model. Our model shows
21 that across the board tariffs generate tariff
22 revenue for the Federal Government of \$126

1 billion in 2020, falling to \$73 billion in 2024.

2 We also ran a scenario where we
3 assumed the Federal Government spends all the
4 tariff revenue. You can think of that spending
5 as an infrastructure program, but it could be on
6 other government programs too.

7 In that case, our model shows that by
8 2024, this program of combined across the board
9 tariffs on China and government spending
10 generates additional GDP growth of \$167 billion
11 and an additional 1.05 million jobs for the U.S.
12 economy.

13 That's over 1 million new jobs from
14 tariffs and spending the revenue.

15 I want to close with a quote from a
16 businessman in Utah. As you may know, last
17 September, the 301 action put a 10 percent tariff
18 on bicycles imported from China. Today, about 95
19 percent of the bikes sold in the U.S. are
20 imported from China or Taiwan.

21 On June 1st, the tariff rate on bikes
22 rose to 25 percent and there's concern in the

1 industry how this will impact bike sales and
2 whether or not the U.S. can begin manufacturing
3 bikes in volume again.

4 I believe we can, but instead of my
5 own views, I want to quote Ali Yazdian, an
6 immigrant from Iran who owns Alta Racks, a maker
7 of bikes in Utah. Here's what he said, and I
8 quote, As an immigrant, I have seen the tyranny
9 that exists in most of the world. It is real.
10 There are countries and people that hate our way
11 of life. China's Government is one of those.

12 Our democracy is a direct threat to
13 communism and how they control their population.
14 To me, tariffs are not just about price fairness,
15 it's about spreading democracy and human rights
16 as rights at birth, not given by a nation or a
17 government.

18 Mr. Yazdian then went on to comment
19 about his industry and the skeptics who say the
20 U.S. will never be able to manufacturer bicycles
21 here, he said, and I'm quoting, I am baffled by
22 the comments --

1 CHAIR TSAO: Sir, if you can conclude
2 your remarks. Thank you.

3 MR. FERRY: I'll just finish this
4 sentence. I am baffled by the comments that we
5 can't build bikes and other components here. We
6 invented electricity, the refrigerator, and air
7 conditioning. We invented penicillin and
8 eradicated many diseases.

9 We need to get back to buying products
10 for quality that last for a lifetime. Thank you.

11 MR. BISHOP: Thank you, Mr. Ferry.
12 Our next witness is Brian Riley with the National
13 Taxpayers Union. Mr. Riley, you have five
14 minutes.

15 MR. RILEY: Thank you. My
16 organization, the National Taxpayers Union, has
17 supported administration efforts like the Tax Cut
18 and Jobs Act, and NAFTA Modernization, via the
19 USMCA, and we appreciate the opportunity to make
20 the following four points this morning about the
21 Section 301 tariffs.

22 Number one, China's policies have not

1 improved since the Section 301 process began. In
2 fact, I think most people who observe the
3 situation would say China's policies towards U.S.
4 commerce have actually gotten worse since the 301
5 process was initiated and not better.

6 Number two, adding new tariffs to as
7 much as \$300 billion in imports means that the
8 total cost of these Section 301 tariffs combined
9 would represent the biggest tax increase, in real
10 dollar terms, that's been imposed on Americans
11 since the conclusion of World War II.

12 Number three, it's great that there's
13 an exclusion process for companies.

14 Unfortunately, not every small business across
15 the country can afford to hire some D.C. law firm
16 to represent them, and it would be great if there
17 was a way to design some kind of small business
18 exemption that would not only help American small
19 businesses, but would really reduce the burden on
20 USTR in trying to decide, well, are we going to
21 tax fireworks, but not pillows, or Bibles and not
22 tea.

1 And then I would just conclude with
2 the following excerpt from a letter that we
3 released last year that was signed by more than
4 1100 U.S. economists from both -- with
5 representatives from both Republican and
6 Democratic administrations, and 15 Nobel
7 Laureates, and they concluded their letter by
8 saying, a higher level of protection would raise
9 the cost of living and injure the great majority
10 of our citizens.

11 I think that turned out to be the case
12 when a similar letter was sent to Congress in
13 1930 and tariffs were the wrong approach then,
14 and we think they're the wrong approach now.

15 Thank you.

16 MR. BISHOP: Thank you, Mr. Riley.
17 Our final witness on this panel is David Snyder,
18 with the American Property Casualty Insurance
19 Association. Mr. Snyder, you have five minutes.

20 MR. SNYDER: Good morning and happy
21 Friday. After listening to the testimony, just
22 what I've heard this morning, I realize how tough

1 your job really is, so you have our total support
2 as you continue to work through these difficult
3 issues.

4 My name is Dave Snyder. I represent
5 the American Property Casualty Insurance
6 Association that has as its members, more than
7 1200 insurers and reinsurers that provide the
8 majority of the property casualty insurance in
9 the United States.

10 We also have members that operate
11 around the world, including those in China and I
12 am personally familiar with our trade
13 negotiations in China for more than a decade and
14 a half.

15 Our members in the United States
16 insure tens of millions of consumers, large and
17 small business, non-profits, and governments for
18 loss or damaged property, including millions of
19 claims for auto repairs and replacements
20 annually.

21 I suspect that we're involved in
22 financing, one way or another, virtually every

1 sector that you've heard from so far and that you
2 will hear from.

3 We're not direct importers, but we
4 have a critical role to play on behalf of our
5 policyholders. It's not unusual for us, for
6 example, to engage with governments to reduce the
7 costs of our consumers, whether they be
8 businesses, farmers, governments, non-profits, or
9 individual consumers.

10 We often engage in their behalf to
11 reduce the costs that they ultimately pay through
12 their insurance premiums as we engage with
13 government in areas such as highway safety,
14 building construction design standards, and now
15 with regard to tariffs.

16 We estimate that a 25 percent tariffs
17 on imported auto repair parts would increase our
18 costs by 2.7 percent, or \$3.4 billion in terms of
19 increased premiums that our customers will have
20 to pay.

21 The negative effects of tariffs,
22 however, go beyond the increased direct costs of

1 the parts. If there are disruptions in the part
2 supply chain, for example, that could mean an
3 additional day or more of car rental coverage,
4 and if that were done across the United States,
5 on average, that would increase the costs that
6 our policyholders ultimately bear by a half
7 billion dollars.

8 With respect to auto-related costs, if
9 it costs more to repair a car than the car then
10 needs to be totaled, that means that repair shops
11 lose business as well, and on, and on, and on.

12 You can see the impacts that are the
13 result of our role as a pass-through mechanism
14 and financier for virtually the entire population
15 in the United States in all of our various
16 entities.

17 As noted, a 25 percent tariff on auto
18 parts would likely significantly increase out-of-
19 pocket costs for consumers and result in lost
20 revenue for collision repair shops.

21 But beyond the direct costs of tariffs
22 passed to consumers through the insurance

1 mechanism, and the cost of supply chain
2 disruptions, the uncertainty and unpredictability
3 of future insured costs, may also have a negative
4 effect on premiums.

5 Our sector is unique in that we charge
6 a premium today and we really don't know what the
7 costs of providing that product or service is
8 until the future.

9 So we use past costs and we do our
10 best to predict what the future costs will be,
11 but you can imagine that uncertainty and
12 unpredictability, ultimately, can have a negative
13 impact on the premiums that we charge in order to
14 assure that we're able to do the job for our
15 customers and maintain our solvency.

16 So from my own experience in working
17 with China, several recommendations we would
18 make, first of all, we have fully supported all
19 the trade agreements that the United States has
20 negotiated recently, including the TPP, and
21 believe that it would add value.

22 We have also had a good experience in

1 working with the Chinese on win-win approaches as
2 opposed to lose-lose approaches, which
3 ultimately, tariffs are, and we're always anxious
4 to work with our government in achieving the best
5 results, not only for our companies, but more
6 importantly, for our consumers.

7 So in conclusion, we ask for as rapid
8 a successful conclusion as possible with the
9 negotiations with China, but so far,
10 unfortunately, have resulted in tariffs, higher
11 insurance costs, and the possibility of more
12 tariffs and related costs, disruptions, and
13 uncertainty.

14 Please consider us a partner in
15 everything that you do from here on out. Thank
16 you very much.

17 MR. BISHOP: Thank you, Mr. Snyder.
18 Mr. Chairman, that concludes direct testimony
19 from this panel.

20 CHAIR TSAO: Before we begin, Ms.
21 Hutzler, I just want to clarify for the record,
22 are you here to testify in your personal capacity

1 or on behalf of your industrial organization?

2 MR. HUTZLER: On behalf of Hutzler
3 Manufacturing.

4 CHAIR TSAO: Got it. Thank you.

5 MS. BACETTY: Thank you, Ms. Hutzler.
6 Thank you for your testimony today. As a
7 graduate, a proud STEM graduate myself, your
8 testimony hit home for me, and you discussed the
9 employment in the STEM and manufacturing sectors.

10 So in your view, if you could, share
11 with us the harm these sectors have experienced
12 due to China's unfair practices with respect to
13 force technology transfer and IP theft.

14 MR. HUTZLER: I don't have testimony
15 to share on that. That is outside of my scope.

16 MS. BACETTY: If you could, as a
17 follow-up, provide any written testimony, if you
18 can, later on, or just link us up. Thank you.

19 MR. HUTZLER: Happy to do so.

20 MR. FRATERMAN: Thank you, everyone on
21 the panel, for coming here today. My question is
22 for Mr. Cannon. In your submission, your written

1 submission, your organization supports the
2 imposition of additional duties on two ten-digit
3 subheadings of 2903.39.20, but not the other ten-
4 digit subheadings.

5 Can you elaborate on your reasoning
6 for making this specific request?

7 MR. CANNON: So I'll give you a more
8 fulsome response in post-hearing, where I can
9 write it down, and also protect confidentiality
10 of the U.S. producers, but just in general terms,
11 big picture, the categories that we're supporting
12 are the heartland of, kind of, automotive and
13 household air conditioning; the big volume.

14 You know, there's maybe \$200 million
15 in imports from China in the R-410A space, which
16 is home air conditioning. The other tariff
17 categories are not all made in the United States,
18 depending on which category, and so it's
19 sensitive.

20 And there was opposition, I think, to
21 this category when it was, I want to say, on List
22 2. It's List 2 or List 3. We did not, at that

1 time, know we needed to come forward, but we do
2 support two discreet tariff headings for the
3 reasons that, that's what we manufacture -- are
4 still able to manufacture here, and that is, they
5 are very major important commercial products.

6 MR. FRATERMAN: Thank you.

7 MS. JANICKE: And a similar question
8 for Ms. Moffett from Occidental Chemical.
9 Appreciate that you have also identified a very
10 discrete ten-digit item within the broader eight-
11 digit category, and even earlier this week, we
12 heard testimony about a different ten-digit
13 breakout from that category.

14 So if you could also share, I mean,
15 you touched on it today, but any additional
16 details on the honing in on this particular
17 breakout for the imposition of tariffs, we'd
18 appreciate it. Thank you.

19 MR. MOFFETT: Sure. And I'll
20 certainly follow-up more in written testimony,
21 but just want to be clear that we understand that
22 there has been some opposition to the eight-

1 digit. We want to recognize and be cognizant of
2 that, and be very targeted in our response here.

3 So that's why we have been very
4 specific about the ten-digit code to apply just
5 to dichlor and trichlor so that we can not be at
6 odds with some of our other U.S. manufacturers,
7 so happy to follow-up more, but that's sort of
8 big picture.

9 MS. ADAMS: Thank you all very much
10 for your testimony today. My question is for
11 you, Mr. Ferry. Can you explain a little more
12 about what your study found in terms of the
13 impact that the tariffs would have on downstream
14 manufacturers?

15 MR. FERRY: Yes. I'd be happy to.
16 What we found was that as production moved out of
17 China, the average cost of the total imports
18 declined. It did not increase. This is very
19 important concept to understand.

20 A lot of the media comment has been,
21 well, you just add 10 or 25 percent to the cost
22 of an import, and that's what it costs, but

1 that's not what we see happening.

2 We already see large volumes of
3 production leaving China, going to Southeast
4 Asia, Vietnam, Thailand, Malaysia, Indonesia,
5 Mexico.

6 Now, if import prices decline, then it
7 doesn't affect U.S. downstream manufacturing. So
8 therefore, that's how you get the economic
9 growth. Now, there will be specific industries
10 where there could be an effect, and in that case,
11 there would need to be a policy to help those
12 industries, possibly through tariffs, or through
13 another method.

14 Does that answer your question?

15 MS. ADAMS: Yes. Thank you. I
16 wondered, could you explain more about your
17 estimates on job growth in the United States,
18 like, why employment would grow in sectors that
19 are not directly by the tariffs?

20 MR. FERRY: Sure.

21 MS. ADAMS: Like financial services?

22 MR. FERRY: Sure. So today, or last

1 year, we imported \$540 billion worth of
2 production -- worth of goods from China. The
3 model shows that a small percentage of that
4 returns to the United States each year,
5 culminating in \$69 billion of additional
6 production in the United States in 2024, five
7 years from today.

8 Now, this is very exciting and I got
9 to say, we already see this. In recent weeks,
10 we've seen companies like Restoration Hardware
11 and Stanley Tools saying, we are taking
12 production out of China and bringing it back to
13 the United States.

14 Now, we all know, U.S. labor costs are
15 higher than China, but there are many other
16 reasons to bring production back home.

17 So what you get is multi-billion
18 dollar production leaving China, coming back to
19 the United States, growing year after year,
20 obviously, that creates revenue, investment,
21 profit, and jobs in those specific industries,
22 which are industries like communications

1 equipment, furniture, footwear, tools.

2 But through standard economic
3 multiplier effects, those workers have more
4 money, they spend more money in their community,
5 so you get more jobs across the United States.

6 So our core forecast is 721,000
7 additional jobs in the U.S. economy by 2024.

8 CHAIR TSAO: Mr. Ferry, I have a
9 follow-up. We've been taking testimony, so this
10 is the fifth day of taking testimonies, and we
11 received a lot of testimonies from business
12 owners and other witnesses that discuss the
13 negative effects that the tariffs would have with
14 respect to manufacturing in the United States.

15 How would you respond to those
16 testimonies that we have heard so far?

17 MR. FERRY: That's a good question.
18 You know, consumer prices are apparently an
19 obsession with many people, and it's easy to say,
20 consumer prices will go up, oh, my God, the world
21 will fall apart, and people will go vote in a
22 different way.

1 In reality, if you look at the U.S.
2 economy over the longer term, back in the 1950s
3 and '60s, the real price of goods was far higher
4 than it is today, yet, we had far less income
5 inequality, we had happy growing cities from one
6 coast to the other, not just concentrated in the
7 coasts around certain industries.

8 And the reason for that is that we
9 manufactured a lot of our goods here rather than
10 running the world's largest trade deficit,
11 largest in history, \$600 billion last year, in 43
12 years of consecutive trade deficit.

13 So what I'm saying to you is, if you
14 look at consumer prices in any one moment, you
15 could say, oh, yes, I could save myself a nickel
16 by going to Wal-Mart and buying that Chinese
17 import today.

18 But if you look out over the next 20
19 or 30 years and say, what kind of jobs do we want
20 to have in this country and what do we think will
21 increase the prosperity of the entire country,
22 the productivity of the entire country, and the

1 level of equality in the entire country, you have
2 to say to yourself, the international record and
3 our own record as a country shows very clearly
4 that manufacturing products here, not running a
5 trade deficit, increases everybody's prosperity
6 and will make us all better off in 20, 30, 40,
7 and 50 years.

8 So I would urge all the government
9 officials to take the long-term view as they
10 consider the Section 301 tariffs.

11 MS. MITCH: Thank you very much for
12 your testimony. My question is for Mr. Riley.
13 So Mr. Ferry's testimony suggests that the
14 additional tariffs would have a positive effect
15 on the U.S. economy. This appears to be
16 different from the conclusions of your
17 organization's analysis and study.

18 Could you just elaborate a little more
19 to help us understand what accounts for these
20 differing conclusions?

21 MR. RILEY: I can explain our position
22 and I'm not -- I don't want to -- I'm not

1 familiar with the details of the modeling that
2 you've done, but I will say that my statement, if
3 you would have called the economics of George
4 Washington, or George Mason, or American
5 University, or consulted most of the economists
6 in the Federal Government, or looked at pools of
7 economists across the country, or look at the
8 letter that we submitted last year from over 1100
9 economists, the idea that when we have more
10 freedom and the opportunity to buy the best goods
11 and services from across the globe, we are more
12 prosperous through the comparative advantage, as
13 described by David Ricardo from the time of Adam
14 Smith, and the founding of the United States,
15 which was, in part, because of opposition to the
16 King of England restricting our trade with all
17 parts of the world.

18 I think also, if you look around the
19 globe, those countries that are most prosperous
20 are clearly those that have the most economic
21 freedom and that are the most open to trade and
22 investment.

1 So I think there's the economic theory
2 and also, the real-world evidence, which supports
3 the idea that lower tariffs are good.

4 And I will acknowledge, though, that
5 some of the supporters of this action believe it
6 is a tool to reduce foreign barriers. I don't
7 think it's working that way, but I understand
8 that not everybody who supports this action is
9 encouraging higher barriers.

10 Thank you for your question.

11 MS. ZHAO: This question is for Mr.
12 Snyder. Could you please elaborate on the
13 assumptions that underlie the conclusions that
14 are summarized in your testimony?

15 MR. SNYDER: Sure. And thank you very
16 much. The first thing I want to say is, we've
17 been able to get as precise as we possibly could
18 with respect to autos and auto parts, but the
19 effect on tariffs would be much broader.

20 It would affect construction
21 materials, consumer goods, and on, and on, and
22 on, and of course, when there are fires or other

1 catastrophes, those are the kinds of things that
2 need to be replaced or in some case, repaired.

3 So we see the potential is much
4 broader, but we've been able to do our best with
5 calculating in the auto area. We have more data
6 there and we have more confidence there, but we
7 expect the impacts to be much broader in terms of
8 our costs virtually covering every element of
9 property casualty insurance.

10 So we made certain assumptions about
11 the numbers of parts that are imported. With
12 respect to China, for example, late last year,
13 our companies received a notice from the -- a
14 major supplier of auto parts that the costs for
15 auto glass went up 10 percent, and I suspect that
16 they've gone up to the additional 25 percent.

17 So we have bits and pieces of data
18 like that that we've used to do our best in terms
19 of calculations. Now, the overall impact I
20 talked about was a tariff on all imported repair
21 parts.

22 We're still trying to calculate the

1 exact effect from the tariffs on China, but we
2 expect they'll be significant, using the example
3 that I just provided of auto glass, which is one
4 of the most frequently replaced products with
5 respect to auto repair.

6 The other cost estimates we provided
7 as well are based upon the larger impacts of
8 tariffs across the board, and we'll continue to
9 refine to the extent we can, the particular
10 impacts on China tariffs.

11 But we're sort of secondary in that,
12 we have to rely on what others produce and what
13 others charge us. And so our ability to
14 calculate is somewhat limited, but we've provided
15 you with the best information that we have.

16 And as we continue to refine that, we
17 will provide it, but we are seeing immediate
18 impacts in cases of auto part, and I gave you an
19 example of that with respect to the glass.

20 And we fully expect impacts, really,
21 very broadly across a wide range of products and
22 materials that individuals and businesses lose

1 when there's a fire or a natural catastrophe.

2 CHAIR TSAO: Mr. Snyder, I have a
3 follow-up. In your testimony, you mentioned that
4 your industry, the insurance industry, has
5 engaged with China to try to achieve a win-win
6 and not a lose-lose situation.

7 Can you elaborate on the efforts that
8 your industry has done to, I guess, encourage the
9 Chinese Government to remove the unfair trade
10 practices identified under Section 301 and also,
11 elaborate on whether you have had any success in
12 achieving that result. Thank you.

13 MR. SNYDER: Sure. Thank you very
14 much. So we've found some success. I won't say
15 that it's been easy, but we have had some success
16 in regulatory dialogs, including U.S. Government
17 agencies, many of whom were around the dais this
18 morning.

19 And I thank you for those efforts as
20 well as our state regulators. Industry, and in
21 working with our colleagues and counterparts in
22 China, we've been able to achieve some progress

1 over the years.

2 Would we like to see a whole lot more?

3 Absolutely. Have we brought to the attention,
4 through various coalitions, of our concerns on
5 the IP issues and the demands for providing the
6 Chinese with critical IT information?

7 We have absolutely done our best to
8 raise those issues as well. So we have found
9 that constant engagement has produced some
10 success, but I think having measurable,
11 enforceable outcomes, the kinds of overall
12 objectives that I think the administration has
13 set out, we're all in, generally, support of.

14 But we also feel that it's our job
15 with respect to our policyholders and our
16 consumers to try to explain what we're seeing
17 developing as the potential impacts on them
18 through the insurance premiums, which they may
19 ultimately pay. Thank you.

20 MS. JANICKE: Yes, I have one follow-
21 up question for Mr. Ferry. You said that your
22 model did show small, but some reshoring into the

1 United States, and in your response to the
2 question from my colleague from State, you
3 mentioned a couple of sectors that might be
4 seeing U.S. domestic growth.

5 I guess, are those the sectors where
6 your model showed some reshoring or can you
7 elaborate more on what the sectoral detail is
8 there?

9 MR. FERRY: Yes. So the model shows
10 reshoring based on our analysis of the top ten
11 sectors of imports from China. And those
12 include, if I remember correctly, to give you
13 some examples, cellphones is number one,
14 computers is number two, and it's then followed
15 by sectors like furniture, toys, apparel.

16 And most of the reshoring occurs in
17 those latter sectors, in other words, very, very
18 small amount of reshoring in computers and
19 cellphones, but significant reshoring in apparel,
20 furniture, toys, and that's based on the fact
21 that reshoring has already begun in those
22 sectors.

1 And I would add that, I would love to
2 see the government make it a priority to get the
3 technology sector to reshore. You may have seen
4 in this morning's Wall Street Journal, Apple is
5 now pursuing taking production, 30 percent of its
6 production, out of China, probably to Southeast
7 Asia.

8 It would be a great win for the United
9 States and American workers if the government
10 could provide some solution that would get Apple
11 to reshore some of that production to the United
12 States, because it's a shame that Foxconn, a
13 Taiwanese company, is talking about moving
14 computer production to the United States, but not
15 Apple, Incorporated. Thank you.

16 MR. BISHOP: We release this panel
17 with our many thanks and invite our next panel to
18 please come forward and be seated.

19 (Pause.)

20 MR. BISHOP: Will the room please come
21 to order? Mr. Chairman, our first witness on the
22 panel is Peter Tompa with the Global Heritage

1 Alliance. Mr. Tompa, you have five minutes.

2 MR. TOMPA: Thank you. The Global
3 Heritage Alliance and the Committee for Cultural
4 Policy oppose tariffs on collections and
5 collectors' pieces classified under HTS9705 and
6 antiques classified under HTS Heading 9706.

7 USTR correctly exempted these items
8 from 10 percent tariffs and should exempt them,
9 for the same reasons, for 25 percent tariffs.

10 Moreover, the Federal Register states
11 that prior product exclusions will not be
12 affected, so it is possible that both headings
13 are mistakenly listed for 25 percent tariffs.

14 In any case, imposing duties on art
15 objects that have been previously been exempt
16 from customs duties will cause disproportionate
17 harm to the small or medium size business of the
18 U.S. Art trade as well as museums and collectors.

19 Moreover, proposed tariffs will only
20 benefit China's mercantilish approach to art that
21 has already been facilitated by the State
22 Department's controversial 2009 decision to

1 embargo cultural goods at the Chinese
2 government's request.

3 Tariffs on cultural goods listed in
4 these headings would be unprecedented. Such
5 artifacts are unlike most manufactured goods. Art
6 is not typically subject to customs duties
7 because our government has generally sought to
8 encourage cultural exchange.

9 Moreover, many cultural goods that
10 fall under HTS9705 and all the cultural goods
11 that fall under HTS Heading 9706 are not of
12 recent Chinese manufacture but were produced long
13 ago and have been collected for decades, if not
14 hundreds of years, not only in China itself, but
15 elsewhere in the Far East, United States and
16 Europe.

17 Simply placing duties on such objects
18 will not hurt Chinese industry, but place further
19 disincentives on Americans from importing Chinese
20 cultural goods long held in third countries,
21 including our allies in Europe and Japan.

22 Almost 90 years ago, Congress exempted

1 antiques in order to encourage the free flow of
2 artistic and cultural materials into the United
3 States from tariffs.

4 The 100-year old definition of an
5 antique, using the Tariff Act of 1930, was
6 formalized in the Educational, Scientific and
7 Cultural Materials Importation Act of 1966, which
8 made importation of antiques made prior to a
9 hundred years before their date of entry duty
10 free.

11 The same act enabled duty free
12 importation of ethological objects. Therefore,
13 imposing 10 percent, and now 25 percent tariffs
14 on cultural goods that fall under HTS Numbers
15 2705 and 2706 would change longstanding
16 precedent, allowing entry of such goods duty free
17 and may, in fact, even be inconsistent and
18 contrary to Congressional authority.

19 Reversely, new import duties would
20 also play further into the hands of the PRC and
21 auction houses with the governing elite, like
22 Poly Group, a company associated with a major

1 Chinese weapons producer, controlled by the
2 family of former leader Deng Xiaoping and China
3 Guardian Auctions, run by Chen Dongsheng, the
4 grandson-in-law of the PRC's founder, Mao Zedong.

5 China is now the world's largest
6 market for art antiquities. Yet, incredibly,
7 rather than helping U.S. business to compete, our
8 own State Department has, instead, severely
9 damaged the ability of U.S. auction houses and
10 dealers to import Chinese art from third
11 countries for resale.

12 In 2009, China first asked the United
13 States to place import barriers on Chinese art
14 and antiques. A U.S.-China bilateral agreement,
15 under the Cultural Property Implementation Act,
16 was signed in 2009 and renewed in 2014 and 2019.

17 The U.S.-China Bilateral Agreement
18 already covers virtually all Chinese art and
19 artifacts from the Paleolithic era to the time
20 period as well as monumental, sculptural and wall
21 art over 250 years in age.

22 The government of China itself sought

1 a renewal of the 2009 agreement in 2018. Why?
2 Because U.S. import barriers facilitate the
3 movement of the global market for Chinese art
4 into China itself.

5 After the enactment of the original
6 bilateral agreement in 2009, the auction market
7 for art and antiques in mainland China
8 experienced a 500 percent growth between 2009 and
9 2011. And by 2011, the Chinese auction market
10 surpassed all other countries in the world with
11 \$9.3 billion in total sales volume.

12 Imposing high tariffs on the limited
13 universe of artifacts that may still be imported
14 into the U.S. under current CBP procedures --
15 that is, artifacts documented as being outside of
16 China as of the 2009 effective date of import
17 restrictions, will do absolutely nothing to
18 achieve the purported aims of the proposed
19 tariffs.

20 Instead, such tariffs will further
21 damage the ability of the small businesses of the
22 art and antiquities trade to import Chinese art

1 from third countries and to gain consignments
2 from foreign collectors as well as make it even
3 more difficult for collectors and museums here to
4 acquire such art.

5 Thank you for your consideration of
6 these issues which are so important to American
7 museums, collectors and the small businesses of
8 the art and antiquities trade.

9 MR. BISHOP: Thank you, Mr. Tompa.
10 Our next witness is Colleen Karis with Colleen
11 Karis Designs, LLC. Ms. Karis, you have five
12 minutes.

13 MS. KARIS: Good morning. Thank you
14 for your time and for listening to the background
15 on my company and how the proposed List 4 tariff
16 on pictures, designs and photographs, which is
17 HTS 4911.91.4040, would affect our business.

18 Our company is a small one, but it has
19 a vibrant business. And, no, I don't speak for
20 any large trade association or other group today.
21 I hope to put a face on what this proposal will
22 mean for many businesses like mine.

1 My name is Colleen Karis, and I'm the
2 president of Colleen Karis Designs. I'm a proud
3 Kentucky girl whose family history is rooted
4 deeply in the military.

5 I'm a Daughter of the American
6 Revolution. My maternal grandfather served all
7 the way back to WWI, while my paternal
8 grandfather took part in the invasion of Normandy
9 in WWII.

10 I grew up as an Army brat on bases all
11 over the world. My father served 26 years in the
12 Army, including three tours in Vietnam as an Army
13 ranger before coming out of retirement after 9/11
14 to head communications on a Navy refueling ship
15 in the Persian Gulf.

16 Sorry, so personal. As a child raised
17 within the military, I learned the importance of
18 self-reliance. That helped give me an
19 entrepreneurial spirit to pave my own way in
20 life.

21 In college, I studied Art
22 Administration at the University of Kentucky and

1 have used that education to become an art
2 industry professional for over the past 25 years.

3 For the past 25 years, I have run a
4 successful home art and decor business in Los
5 Angeles which imports our products from China. I
6 always wanted to be an artist myself, but in
7 building this business, I found a way to work
8 with artists, direct them and create unique
9 artwork that our company sells to the mass market
10 at discount prices.

11 I started from nothing, in my living
12 room, and now, all these years later, our company
13 has strong relationships with billion-dollar U.S.
14 retailers, and we sell our products, on a large
15 scale, all over the country.

16 Our company creates one of a kind
17 works of art utilizing U.S. artists exclusively.
18 We've regularly engaged and paid approximately 30
19 artists over the past ten years to create
20 artworks exclusively for Karis Designs.

21 Those original designs are reproduced,
22 mainly on canvas with a number of unique

1 treatments in China for distribution to major
2 U.S. discount retail chains.

3 Our current -- our children's products
4 are an especially strong part of our business and
5 many of these products include treatments that
6 are hand-embellishments such as glitter, sequins,
7 rail skirts, mermaid fabrics, cut-out shadow
8 boxes, educational maps and alphabets.

9 In order to produce these
10 embellishments, our manufacturer in China
11 utilizes proprietary machinery that is one of a
12 kind and invented just for production of this
13 customized wall art.

14 Developing this commercial platform
15 cost the company hundreds of thousands of dollars
16 over the past 15 years and required more than a
17 hundred visits to Asia to create these current
18 procedures and machinery for high speed and high
19 volume production.

20 I was on most of those trips myself
21 and can tell you firsthand it was a painstaking,
22 grueling process to get to where we are today.

1 But with what we've now developed, we're able to
2 bring cutting edge designs to the mass market at
3 a large discount in a little over a month from
4 when we first send those designs to the factory
5 floor.

6 What we've also learned from over the
7 past decade of analyzing our industry is that
8 this manufacturing platform is not obtainable
9 here in the United States. We have constantly
10 reviewed all of our manufacturing options during
11 this time to obtain the lowest cost structure
12 possible.

13 And we know there is no high volume
14 manufacturer in the U.S. that can reproduce the
15 volume of product with hand-embellishments at the
16 prices required for our retail partners.

17 I would love to be able to move
18 manufacturing to our country, but the past decade
19 of intensive study has shown we can't obtain the
20 low-cost level needed to provide the heavily
21 discounted prices necessary for sale through our
22 retail chain partners.

1 So the net effect to us is that the
2 proposed 25 percent tariff would transform our
3 company from a vibrant, profitable one to one
4 that is operating at a substantial loss, with no
5 cost-cutting or other path that would allow us to
6 achieve sustainability. Sorry -- so personal.

7 Again, we have looked at this issue
8 for years to get to our costs at the lowest point
9 possible. And instituting a tariff like this one
10 would upend our business within a matter of
11 months without leaving us any room to maneuver or
12 possibly cope with such a seismic change.

13 We've employed ten people and 30
14 artists over our history, which, again, is not
15 the largest business you'll hear from today, but
16 our company has been a dependable source of
17 income and growth for these people for many years
18 now.

19 And we've filled a real need in the
20 United States for quality home art products that
21 are affordable for the average consumer.

22 And the last item I would mention on

1 this is that, as I understand it, our product
2 category doesn't fall within any of the ten
3 priority sectors for the Made in China 2025
4 initiative.

5 Therefore, putting the tariff on our
6 product category would not deter any unfair
7 business practices by China, but it would
8 severely impact small businesses like mine that
9 fill a much needed niche in this country.

10 It is my hope that we will combat
11 China's problematic activities with something
12 that is more tailored to address the real
13 misconduct at issue. Thank you. Sorry.

14 MR. BISHOP: Thank you, Ms. Karis.
15 Our next witness is Alexander Koff on behalf of
16 Nearly Natural. Mr. Koff, you have five minutes.

17 MR. KOFF: Nearly Natural appreciates
18 the opportunity to submit this statement for the
19 record. Robbie Singer, the founder and CEO of
20 the company, was unable to be here due to
21 international travel.

22 So in his place, I'm here to strongly

1 urge the removal of two HTS headings,
2 specifically 67021040 and 67029035 which deal
3 with artificial flowers.

4 These products are only available from
5 China -- only. There are no alternative sources
6 of supply, and their import values are de
7 minimis, accounting for less than one-fifth of 1
8 percent of the proposed \$300 billion of
9 additional tariffs. That's 0.0186 percent.

10 Nearly Natural is a fully integrated
11 U.S. manufacturing company that makes artificial
12 flowers and plants that are so real, they look
13 nearly natural, the name of the company.

14 It is a U.S. business that employs
15 roughly 100 people in Miami, Florida. The
16 company has over 5,000 product offerings. The
17 vast majority of its sales are as back end
18 fulfillment for major e-commerce players.

19 They charge a wholesale price to the
20 channel partner, and the channel partner charges
21 a retail price to the ultimate consumer. Margins
22 are shrinking, and there's little tolerance for

1 any increase in prices.

2 Its major non-U.S. competitors are in
3 China. And the company sources all of its
4 components from China. These are low-tech items
5 that are not on the Made in China 2025 program.

6 Recently, the company made major
7 investments to expand international sales in
8 significant volumes to Latin America. And given
9 the time constraints, please see the written
10 comments for more details on that.

11 Nearly Natural appreciates the tough
12 position that you're in, and the comments in no
13 way minimize IP theft concerns. But Nearly
14 Natural has conducted a very careful, sober
15 examination of the potential tariff headings and
16 they're only urging the removal of two, despite
17 being negatively impacted by others.

18 Additional tariffs on these two
19 discrete subheadings would have no effect on
20 China's policies and would cause a
21 disproportionate effect at home, and I'll
22 explain.

1 The bottom line: if these two specific
2 headings are included on List 4, likely Nearly
3 Natural will go out of business. One hundred good
4 paying jobs in Florida will be lost, and you'll
5 be delivering the U.S. market to their Chinese
6 competitors.

7 In the artificial flower and plant
8 market, literally hundreds of thousands of low-
9 tech individual components are made by hand in
10 China each year via individual molds.

11 The component manufacturing business
12 is labor intensive, low wage and is not something
13 that's competitive here in the United States.
14 Customers cannot tolerate variations between what
15 they see in a catalogue and what is delivered to
16 their door.

17 Each component, the veining on an
18 individual leaf, a stem with a particular twist
19 or even a thick branch where the stems and leaves
20 are anchored at a particular angles must be
21 identical to what is shown in the catalogue
22 picture.

1 The only way to ensure that each
2 component is identical is to make each component
3 from the same individual mold. But the Chinese
4 companies are the ones that own the molds and
5 their associated intellectual properties. So
6 there's a proprietary issue here too.

7 This is why virtually all of the U.S.
8 imports come from China. Shifting production out
9 of China would require starting over from
10 scratch. The Chinese manufacturers built their
11 molds and developed their expertise over the last
12 30 years.

13 And as each new mold requires a
14 sizable capital investment, and as each mold has
15 a limited production run each season, a
16 production shift away from China is just not
17 economically feasible or viable.

18 Third country manufacturers lack the
19 know-how and artistry developed over the past
20 three decades in China. And Nearly Natural has
21 explored other markets and confirmed it has no
22 other alternative but to buy its components from

1 China.

2 And the U.S. import figures, by value,
3 from the USITC data web show that over 95 percent
4 are coming from China. The additional tariffs
5 have no effect on China because production is
6 staying there. They own the IP. There are no
7 alternative sources of supply. And it's too
8 expensive to relocate production.

9 Plus, these two tariff lines apply to
10 low-tech items not related to Made in China 2025
11 affect labor intensive, non-strategic industries
12 and they are not the type of jobs China wants to
13 keep.

14 So any protest by the Chinese
15 companies will have no impact or effect in
16 changing China's policies. But this will have a
17 huge impact, a disproportionate impact here at
18 home, like on Nearly Nature.

19 While it's difficult for the company
20 to recover inflationary cost increases, a 25
21 percent recovery is inconceivable. In this
22 industry, higher prices translate to a

1 significant reduction in demand which means fewer
2 sales, lost revenue and job loss. It's a highly
3 price-elastic market.

4 At 25 percent, the company is out of
5 business. Its strategic initiative to increase
6 its sales force and expand to Latin America will
7 cease, and only the Chinese manufacturing
8 companies would remain.

9 In conclusion, Robbie Singer dedicated
10 the last 20 years to this industry, yet he stands
11 to lose everything. Like Ms. Karis, it's very
12 personal to him.

13 Putting him out of business will not
14 change China's IP policies, but rewards its
15 Chinese competitors. For these reasons, Nearly
16 Natural respectfully requests that these two --
17 two lines -- be excluded.

18 And the company stands ready to work
19 with the Committee to cooperatively influence
20 China to curb policies. Thank you for your time.
21 I welcome your questions.

22 MR. BISHOP: Thank you, Mr. Koff. Our

1 next witness is Jason Clerke with Garrett Hewitt
2 International. Mr. Clerke, you have five
3 minutes.

4 MR. CLERKE: Thank you very much. And
5 thank you to the Committee for taking my
6 testimony today. Since I've been listening to
7 testimony this morning, I've also decided to kind
8 of step away a little bit from my written
9 testimony.

10 My company, Garrett Hewitt
11 International, has been around for 55 years and
12 making cosmetic brushes in Asia.

13 I am here to talk about two codes in
14 particular, even though I have listed three on my
15 written testimony: 9603.30, 40 and 60. I've
16 actually decided to remove 20 from my testimony,
17 and I'll explain why as we go through this.

18 Garrett Hewitt International, again,
19 has been around for 55 years. I'm actually the
20 fourth owner of the company. I've owned it for
21 12 years. We have seen great growth. I've been
22 able to triple the size of the company. And we

1 make primarily cosmetic brushes.

2 Cosmetic brushes are something that
3 have always been made in Asia. They've never
4 been made in the USA. And bringing them back --
5 or -- well, bringing the production to the USA is
6 not something that is feasible for a couple of
7 reasons.

8 One is the supply of the primary
9 product. The different components that make up a
10 brush, the hair and the handle and the labor are
11 the primary parts. The hair is farmed from goats
12 and ponies in the Gobi Desert.

13 Prior to brushes being made in China,
14 they were being made in Japan and Korea. As
15 those countries got too expensive, because the
16 labor cost is more than 50 percent of the cost of
17 a cosmetic brush, it slowly made its way to
18 China, where it's been for more than 20 years
19 now.

20 We started the first factories,
21 actually in Japan, 55 years ago. Our first
22 customer was Max Factor. They're still a

1 customer of ours now.

2 And what's happened, as that industry
3 has grown very big in China, most of -- more than
4 95 percent of the cosmetic brushes in the world
5 come out of China.

6 There's a small amount that come out
7 of Germany -- very high end, very expensive
8 because the labor costs, honestly, are so high.

9 So it would be very prohibitive to
10 bring manufacturing of cosmetic brushes to the
11 U.S. because all the raw materials, the handles,
12 are actually made by specialized handle
13 manufacturers, not even our factories.

14 That got too expensive even for our
15 Chinese factories, so there are specialized
16 handle manufacturers. The goat hair is coming
17 from central China. The labor force is
18 specialized in China. There is nobody in the USA
19 who knows how to make brushes. Originally, the
20 Koreans and the Japanese went over to China and
21 they actually taught the Chinese how to make
22 brushes.

1 It's an incredibly skilled job. It
2 takes more than a year to learn how to make
3 brushes. So bringing them here is not something
4 that is realistic. And in doing so, because more
5 than 50 percent of the cost is labor, it would
6 more than quadruple the cost of brushes.

7 We work on very tight margins. My
8 customers are the largest multinational companies
9 in the world -- the Estee Lauders, L'Oreal's of
10 the world -- right down to startup makeup artist
11 brands and everything in between.

12 We also export, so even though it
13 ships directly from China to Europe and other
14 countries around the world, we also contribute to
15 our country's revenues, international revenues as
16 well, from our exports as well.

17 If these tariffs were put on brushes,
18 it will be passed directly through to the
19 consumer, bottom line. We don't have the margins
20 to absorb 25 percent. We may be able to absorb a
21 couple percent. My customers can only absorb a
22 couple percent. So in the end, it's going to the

1 customer.

2 And you've got to realize that if a
3 brush even goes up by 10 cents, that's going to
4 end up at 50 cents more on the other end, but
5 it's more likely to go up 50 cents. So at
6 retail, you know, we're talking about \$7.50 or
7 \$3.50.

8 I support technology, the 301, Section
9 301. We have to stop the technology transfer.
10 We have to stop the counterfeiting. But what we
11 are actually finding is that the government in
12 China, probably in conjunction with the U.S.
13 government -- I don't know.

14 I don't have the big studies that some
15 of these people are coming in with today. I can
16 only talk this from a personal level, but I know
17 that we have to get letters from our customers to
18 say if okay for our factories to manufacture and
19 export brushes with Gucci or
20 Dolce & Gabbana on it.

21 We protect our trademarks for our
22 customers. The other thing is we do source from

1 the U.S. when we can. When I bought this company
2 12 years ago, there was no production in the U.S.
3 Our company did not source at all from the U.S.

4 We're doing over \$2 million in
5 sourcing from the U.S. now because the U.S. are
6 very good at producing small, highly automated
7 brushes. And that takes you why I decided to
8 remove the 02 from -- I'm sorry, the 20 from the
9 list because we do actually buy highly automated
10 lip and nail brushes from U.S. manufacturers.

11 And I do encourage that we keep doing
12 that and keep supporting that industry. But any
13 other type of brushes is not realistically going
14 to come back here and it's going to hurt our
15 company, and it's going to hurt the U.S.
16 consumer. Thank you very much.

17 MR. BISHOP: Thank you, Mr. Clerke.
18 Our next witness is Katia Kelso with Ulla
19 Johnson. Ms. Kelso, you have five minutes.

20 MS. KELSO: Thank you. My name is
21 Katia Kelso. I'm the director of production at
22 Ulla Johnson. Since the brand started in 1998,

1 Ulla Johnson has had a dedicated global following
2 from retailers across U.S., Europe, Australia and
3 Asia.

4 Ulla Johnson has become a staple brand
5 known for custom prints, intricate embroideries
6 and fine tailoring, all of which have earned her
7 an extremely loyal customer base.

8 Although the company is headquartered
9 in New York City, we work with vendors across the
10 globe, including China, to manufacture our high
11 end products. As such, we're extremely concerned
12 that the proposed additional tariffs of up to 25
13 percent on products manufactured in China.

14 I've listed the HTS codes we oppose on
15 my testimony you have in front of you. We
16 believe that imposing additional duties on
17 apparel will cause inappropriate economic harm
18 to the U.S. interests, particularly small and
19 medium size businesses, like Ulla Johnson, and
20 the consumer.

21 China is a valuable source for our
22 company and the fashion industry. It provides

1 high quality manufacturing, expertise,
2 manufacturing infrastructure, none of which
3 exists in the same capacity in the United States.

4 Careers in trade that rely on skills
5 such as patent making and sewing are no longer
6 viable options for the younger generation as
7 these trades have been phased out of the American
8 economy over the last few decades.

9 While China has focused on these
10 skills, and thus manufacturers in China have been
11 valued and necessary partners in developing a
12 robust and growing fashion industry in the United
13 States.

14 The implementation of a 25 percent tax
15 on the products listed will result in a
16 substantial price increase in our products which
17 could place what we pride as quality products out
18 of reach for the American customers.

19 Alternatively, Ulla Johnson would have
20 to absorb this cost, depriving Ulla Johnson, a
21 United States company, a fair enumeration for
22 their innovations. The economic losses for the

1 company could result in a reduction in staff
2 numbers, having an adverse effect on the overall
3 unemployment numbers in the United States.

4 Adding punitive tariffs on these
5 products is not an effective way to obtain the
6 elimination of China's acts, policies and
7 practices at issue in the 301 investigation.

8 In 2017, the total value of textiles
9 and clothing China exported to the United States
10 was just over \$42 million. In comparison, China
11 exported almost double that amount to East Asia
12 and the Pacific, at \$81 million and one-and-a-
13 half that amount, \$63 million, to Europe and
14 central Asia.

15 While China exports a significant
16 amount of textiles and clothing to the United
17 States, these proposed tariffs would have limited
18 impacts on China's exports of textiles and
19 clothing because the majority of China's exports
20 goes to East Asia, central Asia, the Pacific and
21 Europe.

22 We also know that in retaliation to

1 the increased tariffs imposed, China has raised
2 tariffs on a number of U.S. imports, including
3 soy bean and wine. This Tit-for-Tat with China
4 will only inhibit United States exports, deprive
5 the United States' citizens a fair remuneration
6 for their innovations and otherwise undermine
7 American manufacturing services and innovation.

8 The very outcomes that President Trump
9 believes that China's laws, policies and
10 practices might cause will, instead, be caused by
11 these proposed policies. Thank you.

12 MR. BISHOP: Thank you, Ms. Kelso.
13 Our final witness on this panel is Kurt Nagle,
14 with the American Association of Port
15 Authorities. Mr. Nagle, you have five minutes.

16 MR. NAGLE: Thank you. And thank you
17 for providing this opportunity for the American
18 Association of Port Authorities to present
19 testimony on behalf of our U.S. public port
20 members who own and manage facilities that import
21 and export most of our nation's international
22 cargo.

1 AAPA is concerned about the overall
2 impact of additional Chinese tariffs on port-
3 related jobs as well as specific concerns related
4 to ship-to-shore cranes and cargo-handling
5 equipment used at ports.

6 Seaports are on the front line of the
7 ongoing U.S. trade policy uncertainty. As
8 international trade hubs, seaports are vital
9 economic engines. Seaport cargo activity
10 accounts for over one-quarter of the U.S. economy
11 and is responsible for \$378 billion annually in
12 federal, state and local tax revenues.

13 In terms of jobs, the cargo moving
14 through U.S. ports supports nearly 31 million
15 American jobs. In addition, for every \$1 billion
16 in export goods shipped through U.S. ports, an
17 additional 15,000 jobs are created.

18 My comments today reiterate last
19 year's List 3 Hearing testimony and emphasize the
20 scale of this latest list, List 4. The expanded
21 301 tariffs on cargo moving through ports will
22 have significant consequences.

1 The total Section 301 tariffs on
2 Chinese commodities and China's retaliatory
3 responses to date would cover 8.4 percent of
4 trade through America's ports by value. In
5 California alone, the impact could be as much as
6 20 percent of containerized cargo imported
7 throughout the state.

8 Job loss and economic harm can be
9 expected in the maritime sector and throughout
10 the U.S. supply chain that ports support.

11 In last year's testimony, we also
12 expressed particular concern over proposed
13 tariffs on ship-to-shore cranes. We were pleased
14 that the U.S. Trade Representative decided not to
15 include ship-to-shore cranes in the final List 3
16 after the hearing.

17 However, we are deeply disappointed
18 ship-to-shore cranes and other tariff codes that
19 include port equipment are back on the proposed
20 List 4. Tariffs on port equipment will have a
21 detrimental impact on ports and their ability to
22 fund needed infrastructure investments.

1 At a time when infrastructure
2 investment is a national priority, we urge you to
3 avoid increasing the cost of infrastructure
4 through the imposition of new tariffs. There is
5 considerable pressure to make ports more
6 efficient.

7 U.S. ports and their private sector
8 partners plan to make significant investments to
9 modernize port infrastructure by spending \$155
10 billion over a five-year period. As business
11 leaders, however, they are concerned about making
12 these sizable investments in an unstable trade
13 environment.

14 We urge you to, once again, delist
15 port equipment, especially equipment where no
16 U.S. manufacturer exists. Ship-to-shore cranes,
17 Tariff Code 8426.19.00 are of special concern due
18 to their high cost and no U.S. manufacturer.

19 Many of the U.S. container ports have
20 or plan to order these expensive pieces of cargo-
21 handling equipment. With a cost of up to \$14
22 million per crane, a 25 percent tariff would cost

1 millions of dollars that might otherwise be spent
2 on other infrastructure investments.

3 It would also put American ports at a
4 competitive disadvantage with Canadian and Mexico
5 ports. Port equipment is also covered by
6 8426.12.00, mobile lifting frames on tires and
7 straddle carriers, and 8426.10.00, transporter
8 cranes, gantry cranes and bridge cranes.

9 We urge you to delist these codes as
10 well. AAPA has joined forces with other impacted
11 associations and companies through Americans for
12 Free Trade to highlight the detrimental impact of
13 tariffs on U.S. manufacturers, farmers and
14 businesses.

15 We stand with this coalition and
16 others such as Tariffs Hurt the Heartland, to
17 encourage the use of other strategies to address
18 the important issues of intellectual property
19 theft, forced technology transfers and other
20 unfair trade practices.

21 Thank you again for the opportunity to
22 testify. I'll be happy to answer any questions.

1 Thank you.

2 MR. BISHOP: Thank you, Mr. Nagle. Mr.
3 Chairman, that concludes direct testimony from
4 this panel.

5 MS. BACETTY: Thank you very much.
6 Mr. Tompa, in your testimony you discussed art
7 and various antiquities that would be negatively
8 affected by some of the tariffs.

9 Could you provide a brief description
10 of some art pieces or antiquity pieces that are
11 currently being imported from China and would be
12 subject of the proposed tariff?

13 MR. TOMPA: Well, I think there's
14 maybe some confusion here. The tariffs are, we
15 understand, that are imposed by country of origin
16 in China. So our concern are the materials
17 coming from third countries, like Britain, et
18 cetera.

19 There's, in fact, very little coming
20 directly from China, at least in the categories
21 that I'm stating. And there's two reasons for
22 that. Number one is China itself -- and I don't

1 have that in our paperwork, but they have export
2 controls on anything later than 1911, so they
3 want to keep that in the country.

4 There's some dispute as to what can be
5 taken out before then, but you at least have to
6 try to get an export permit, and that's generally
7 unavailable, is my understanding, unless you
8 have, you know, contacts in China.

9 Then number two is there's the U.S.
10 import restrictions that were imposed in 2009 and
11 have been continued and recently reaffirmed. And
12 so those limit things coming from China, so you
13 have to actually prove it was out of China as of
14 the date of the initial restriction in 2009 to
15 bring it in.

16 So, because of that, at least in the
17 categories that I'm talking about, there is very
18 little coming directly from China.

19 MS. BACETTY: Thank you for the
20 clarification. One more question. Could you
21 describe or mention which third countries --

22 MR. TOMPA: Sure.

1 MS. BACETTY: -- that are -- would be
2 most affected?

3 MR. TOMPA: Yes, I mean, the major one
4 is the UK. I mean, there's a lot of trade
5 between the United States and the UK in these
6 categories. In fact, the British Antique Dealers
7 Association also put in a paper, which it sort of
8 shows their concern about this as well.

9 MS. BACCETY: Thank you.

10 CHAIR TSAO: A follow up, how large is
11 this bilateral trade between U.S. and UK of
12 Chinese origin antiquities?

13 MR. TOMPA: I would have to probably
14 -- I think the -- my recollection is the BADA put
15 in some paperwork on that. I'll have to check
16 with them, and we'll probably have to do a
17 supplement on that. Thanks.

18 MR. BLAHA: Sorry, Chris Blaha from
19 Department of Commerce. I had a question for Ms.
20 Karis. I think you had indicated that the
21 manufacture infrastructure to make your products
22 in the United States just wasn't available.

1 But I also reference that you looked
2 at other manufacturing options. I was wondering
3 if you could just elaborate on what those other
4 manufacturing options you had looked at, and in
5 particular, if there were any third countries
6 that could do the hand-embellishments you were
7 referring to.

8 MS. KARIS: I can follow up with more
9 of a written answer that's more concrete, instead
10 of just talking off my head. But we have looked
11 at manufacturers in the United States, and they
12 are not able to reproduce our art with the
13 embellishments.

14 They can print art, but it's not the
15 same. And that's kind of what our niche is in
16 this industry. I have made things in Vietnam,
17 and it was a very primitive process, and the
18 volume was not there.

19 It took -- and plus the lead times to
20 the port are three times as long. So we have a
21 large volume, and it just can't -- from what I
22 found, it cannot make it anywhere else.

1 MR. BLAHA: Thank you. And just, I
2 guess, and one other question, if I may. I think
3 you had referenced some type of proprietary
4 machinery, I think, in your testimony. I was
5 wondering if you could just elaborate on what
6 that was too.

7 MS. KARIS: Again, it's proprietary,
8 so I'm happy to follow up with pictures and
9 examples, but I do have competition in this
10 industry and I'd rather not disclose the
11 machinery that was made just for my business.

12 MR. BLAHA: I see. Okay, so this is
13 machinery in China that was made specifically for
14 your business?

15 MS. KARIS: Yes.

16 MR. BLAHA: Okay, thank you very much.

17 MS. KARIS: Thank you.

18 MS. MITCH: Thank you. My question is
19 for Mr. Koff. You've noted in your testimony
20 that virtually all U.S. imports of these items
21 come from China and that your major non-U.S.
22 competitors are in China and also using Chinese-

1 sourced products.

2 So kind of, because of this, could you
3 just elaborate a little more on how your company
4 might suffer disproportionately under tariffs if
5 all of these competitors are facing the same
6 increased tariff levels on Chinese products?

7 MR. KOFF: All of -- can you clarify?
8 When you said all of them, are you saying --

9 MS. MITCH: It seems to me, since all
10 of them are sourcing from China and all of the
11 artificial foliage products are coming from
12 China, they would be on kind of an equal playing
13 field under the increased tariff levels.

14 So I was just curious on how kind of
15 your company experience would be different from
16 non-U.S. competitors who are also facing the
17 higher tariff levels.

18 MR. KOFF: Well, the question, I
19 think, that was asked -- and thank you for your
20 question -- in the Federal Register notice was
21 how will U.S. businesses be disproportionately
22 impacted.

1 And so this U.S. business will be
2 disproportionately impacted vis-a-vis its Chinese
3 competitors and because, I think, you need to
4 understand that the market is in two distinct
5 components.

6 There are the components themselves
7 that are brought in, and then there's the
8 finished product that is assembled here. So
9 essentially, just like you go to a florist
10 industry and they buy cut flowers that may come
11 in from Latin America or from some other places
12 and they assemble them, it's the same idea in
13 this industry.

14 So there's a distinct difference
15 between those in China, who are making the
16 components, the low-end, low-wage situation, and
17 then sending them to the United States and then
18 we're producing them.

19 They have a cost advantage and a cost
20 competitive advantage, comparative advantage in
21 that marketplace. The reason why, with higher-
22 end costs, they can be -- the U.S. industry and

1 in particular Nearly Natural can be competitive
2 is because of the shipping.

3 And this is addressed in the comments
4 themselves. And vis-a-vis the shipping, if you're
5 going to import a finished product, which is the
6 higher-end, higher value, that finished product,
7 roughly half of the value of that product is the
8 shipping.

9 And if you take the width of the pot
10 in which it's put into, there's a lot of empty
11 space. But you can be much more competitive if
12 you nest the pots, as the components themselves.
13 And those components are imported and then, when
14 they're broken apart and manufactured in the
15 factory in Miami, you then have two distinct
16 advantages by doing that in Miami.

17 Number one, you can sell it down in
18 Latin America with a faster time frame for
19 delivery than you could get by delivering it from
20 China.

21 And, number two, it's cheaper because
22 you can make up that cost difference in savings

1 from the shipping by paying higher wages here, so
2 you are cost-competitive.

3 And that's the reason why this
4 particular industry has expanded sales because
5 they're trying to get into that higher margin of
6 sales outside of the back end fulfillment. Does
7 that answer your question?

8 MS. MITCH: I think so. So it's in
9 third markets that you're seeing the difference
10 with your Chinese competitors then mostly in
11 these higher-end products?

12 MR. KOFF: No, no. The Chinese
13 product -- let me be absolutely clear.

14 MS. MITCH: Sorry.

15 MR. KOFF: We're competing with the
16 Chinese producers, not on the component products.

17 MS. MITCH: Right.

18 MR. KOFF: On the components, they own
19 that market. They own the IP, and we can't move
20 to a different market so we're stuck. Unlike
21 other industries where you can source from other
22 places, we cannot.

1 And the company has done a very sober
2 analysis to try and understand what products are
3 being hit. And I know I'm talking a lot, but can
4 I go back and give you some figures? Would that
5 be okay, Chairman Tsao?

6 CHAIRMAN TSAO: Sure.

7 MR. KOFF: Okay, so let's talk
8 bluntly. We understand that on China List 1,
9 38.5 percent of the duties were exempted from
10 List 1. On List 2 and 3, it was 1.7 percent of
11 the duties by HTS Number were exempted and 4.7
12 percent were exempted.

13 So looking at List 4, knowing that you
14 guys have a very tough call on what you're going
15 to exempt, there seems to be a reluctance to
16 exempt tariff headings. And previously exempted
17 items are also back on that list.

18 So what the company did is they took
19 a very careful analysis to determine what they're
20 going to look to, to ask you about. They looked
21 -- and this is detailed a little bit in the
22 comments, but I think it's worth reiterating

1 here, on three distinct headings.

2 They looked at 6913.9050 and
3 8306.29.00. Both of those impact the company in
4 terms of increased costs. But both of those have
5 roughly 60 to 80 percent imports from China. So
6 there are alternative sources of supply.

7 For that reason, knowing the pressures
8 you're facing, they said, all right, we're not
9 going to ask for relief on that.

10 Go to the second level. If you look
11 at 9505.1025 and 9505.1040.10, those deal with
12 pretty much ornaments. Over 95 percent of those
13 tariffs come in from China.

14 So that fits the questions that you
15 asked throughout these proceedings over the last
16 five days and in the preceding three lists. But
17 the client looked at this and said, you know
18 what, we're going to be hurt. An additional 25
19 percent is going to cut into our margins, but we
20 can still survive so we're not going to ask for
21 tariff relief there.

22 But when it comes to the artificial

1 flowers, the components, the guts of what they
2 make, they said this is a global killer for our
3 business. So they did a very careful, sober
4 analysis and they looked through all of this to
5 try and determine what was going on.

6 And we know that there's a difference
7 in the administration. Take, example, Dr.
8 Navarro's comments to CNN in June of -- June 5th,
9 2019. And he said, look, China bears most of the
10 burden on the tariffs. They're forced to lower
11 their prices and have fewer exports.

12 We have seen virtually zero impact on
13 price inflation. So the whole idea that somehow
14 the American consumer is bearing this is
15 nonsense. So we understand that there's one
16 aspect on that.

17 And vis-a-vis consumers, there's also
18 the other side with the Trade Partnership
19 Worldwide, when they did the Tariffs Hurt the
20 Heartland study. And in that study, they
21 estimated that 2,389 per year of additional costs
22 would be on U.S. consumers.

1 And that was started by Joe Francois,
2 who was here at the ITC as their Chief of
3 Research and Acting Director of Economics. We
4 didn't focus on the impact to the consumer and
5 whether this would raise prices to them because
6 know that there's differences in opinion on that.

7 We focused on just two discrete items
8 that you asked in your tariff heading, in your
9 Federal Register notice. And this is going to
10 hurt them. It's going to kill them. And it's
11 clear that it's focused not on the Chinese
12 competitors in the finished space.

13 If you take away their components, it
14 will deliver that space to the Chinese
15 competitors who are already there. And they're
16 going to be the only ones left. Thank you for
17 the additional time.

18 MS. ADAMS: Thank you all very much
19 for your testimony. My question is for Mr.
20 Clerke. My original question actually you
21 answered quite nicely in your testimony, about
22 the product of the makeup brushes originating in

1 Korea and Japan and then being shifted to China
2 as those countries developed and their labor got
3 more expensive, I guess.

4 I wonder if you could foresee that
5 happening in the current situation, where the
6 Chinese labor continues to get more expensive.
7 Would you see this kind of manufacturing
8 devolving to other markets with less expensive
9 labor? And would a timeline be something that
10 your company could handle?

11 MR. CLERKE: Yes, it's a very good
12 question. And it's yes, something we are looking
13 at because we do foresee that happening.

14 You know, as the Chinese, you know,
15 wages are increasing and as the middle class
16 increases, these type of very manually intensive
17 low-wage labor type jobs are becoming less
18 desirable and it's getting harder and harder to
19 actually find workers in this field to make these
20 type of brushes.

21 So we have been looking to move
22 production. And to be completely candid, we

1 looked to the U.S. We were hoping that we could
2 really automate the process of actually making a
3 higher-end brush here in the U.S.

4 We worked with our manufacturers that
5 make the very highly-automated nail brushes and
6 lip brushes. And we spent a lot of time with
7 them, trying to develop it. And unfortunately,
8 it's just one of those things that we could not
9 perfect.

10 It is a very highly skilled, manual
11 intensive job. So we realize that it needs to
12 stay manufactured in that way. So we went to
13 Indonesia earlier this year, actually, and we
14 were looking at possibly Indonesia. You know,
15 it's a great growing manufacturing market.

16 But we ran into a few different
17 obstacles there. One of them was just the
18 logistics of getting all the raw materials down
19 there. The other part of it is well honestly
20 just the work ethic and the abilities of the
21 Indonesian people versus the Chinese people.

22 It just wasn't there. So we went down

1 there and we very closely watched very similar
2 industries -- wig making, eyelash making, these
3 type of industries.

4 And we watched how the workers work
5 and compared it to the way that the Chinese and,
6 in the past, the Koreans work. It's just a
7 slightly different work ethic. And the
8 productivity level was so much lower.

9 We've investigated Vietnam, and there
10 is actually a small amount of brush making that
11 has moved to Vietnam. But the productivity level
12 and that costs are actually, even though the
13 labor cost is less, we're finding the
14 productivity level is that much lower that it's
15 not working out.

16 It's just, again, it's a different
17 culture. We're finding it harder to work that
18 way. So honestly, right now, we're looking at
19 moving production away from the coast, where
20 there is more of a labor shortage, and moving it
21 to inland China where there is actually more of a
22 need for this type of employment.

1 And even though logistically some of
2 the infrastructure isn't set up there yet for it,
3 it's still within China and we can easily do it.
4 So we're looking at about a two-year time frame
5 to do that. And we're in the process of doing it
6 now -- to inland China. No one else is there
7 yet, but we would like to be the first ones
8 there.

9 MS. ADAMS: Thank you very much.

10 MR. BLAHA: I apologize. A follow-up
11 question, if I may. You kind of just mentioned
12 moving from coastal to inland China. Can you
13 just, given the emphasis and importance you put
14 on regarding the labor force and the labor costs
15 there, what are the differences, if any, between
16 the labor forces of coastal and inland China, and
17 how does that factor into that?

18 MR. CLERKE: Yes, so un the coastal
19 cities, there's a lot more work honestly, so the
20 employers and especially a lot more of the high-
21 tech employers are willing to pay a lot more
22 money to some basic labor type jobs.

1 When those industries, those more
2 high-tech industries are not in existence as much
3 in central China, so the general labor costs for
4 this type of work is lower in the central China
5 area. And in some ways it's actually closer to
6 our source of raw materials.

7 We are making both synthetic and goat
8 hair brushes or natural hair brushes. And the
9 biggest issue is actually the supply of the
10 natural hair, and that is very close to the
11 source so it also helps us with transportation
12 and getting it to the factory.

13 MR. BLAHA: Thank you. I guess the
14 inland China labor force productivity would still
15 be higher than that in Vietnam that you
16 referenced though? Is that still --

17 MR. CLERKE: No, actually, it's --
18 productivity is higher and actually the cost is
19 very similar, so from region to region within
20 China, the minimum wage does vary. And also just
21 the going wage does vary. So it would be lower
22 in inland China and we would have the available

1 work source.

2 One of the issues I have, as I'm sure
3 you've probably heard this before, but when
4 Chinese New Year runs around, everybody kind of
5 flees from the coast, goes inland back to their
6 villages where they're originally from. So
7 unfortunately, a lot of these people are, you
8 know, working away from home to be able to
9 support their families.

10 And they go back for the holidays.
11 Well, a lot of the time, in our industry and in a
12 lot of industries, probably 30 to 40 percent of
13 the people do not return to the actual -- to
14 their jobs. So you've got to then go and retrain
15 more people every year.

16 So we figured if we move the business
17 to where the actual labor source is coming from,
18 these people can stay with their families. They
19 can actually work in that area, and we're going
20 to be able to maintain the work force and not
21 have it constantly turn over and have to keep
22 training.

1 MR. BLAHA: Okay. Thank you.

2 MR. CLERKE: You're welcome.

3 MR. FRATERMAN: Great, thank you,
4 everyone on the panel, for your testimony today.
5 My question is for Ms. Kelso. Just out of
6 curiosity, what other countries besides China do
7 fine tailoring and custom prints for fabrics?

8 MS. KELSO: We produce in a lot of
9 other countries. We produce in India, Peru,
10 Turkey. We're looking to go into Portugal at the
11 moment. Every country is like good at doing
12 different things, basically.

13 Like India is great at doing handwork;
14 it's great at cottons. China's really good with
15 silks and prints. So if we were to move
16 production, which we're looking at.

17 We're pricing all of our new season in
18 India at the moment, but India has to import the
19 silk from China to produce in India. So
20 currently producing silk garments in India is
21 more expensive than producing them in China.

22 Knits is also another thing that China

1 is, you know, very good at. It has all the
2 machinery and the skills. And that's not
3 something we could move to India. We could look
4 at moving to Peru, but obviously out of Peru
5 labor is a lot more expensive.

6 Peru also does a lot more hand-knits
7 rather than machine-knits, so there are options,
8 but there's not options for everything. And
9 again, time is a big issue for us.

10 Like, you know, we plan our supply
11 chain 12 months in advance. We can't just pick
12 up and move today, next week, a month. Like we
13 need 12 months to kind of place groups in new
14 countries and also to source new factories.

15 Like we're at capacity with a lot of
16 our factories in India. And to give them more
17 work would mean we're at risk at late deliveries
18 and all sorts of things. So we do really do need
19 time to move things.

20 MR. FRATERMAN: Thank you. And just
21 one quick follow-up. You kind of mentioned why
22 these countries weren't options for Ulla Johnson

1 in terms of production.

2 I just kind of want to get an idea.
3 You said long-term. Would it be possible in the
4 long-term to move production away from China to
5 other places like Portugal, Peru or anywhere else
6 in particular?

7 MS. KELSO: I mean, in the long long-
8 term, yes. I think knits is a very hard thing.
9 Knits is a -- has got a lot of special machinery
10 that other countries don't have, and it's, you
11 know, going to take a long time for them to get
12 it or, you know, it's going to be a great expense
13 to get things there.

14 Also, countries like Portugal, labor
15 is a lot higher in Portugal than it is in China.
16 So, yes, I think in the long long-term, you know,
17 five, ten years, it's something that can happen,
18 but not in the near distant future.

19 MR. FRATERMAN: And just to confirm,
20 you said that was ten years. Correct?

21 MS. KELSO: Yes, I think it's going to
22 take a whole while. Like it's a very big

1 industry that, you know, China has been working
2 on -- like it's been a growing country for all
3 this, since we started dismantling things in like
4 Mid-town in New York.

5 You know, there's not the capacity of
6 factories. And over the years, as stuff has been
7 taken offshore, you know, China has built up and
8 it's going to take a lot of time for those other
9 countries to kind of build up as well. It's not
10 -- yes, I would say five, ten years for sure.

11 MR. FRATERMAN: Okay, great. Thank
12 you very much.

13 MS. ZHAO: My question is for Mr.
14 Nagle. Would you describe in more detail the
15 available sources of supply for the products that
16 you mentioned, like ship-to-shore cranes and port
17 equipment as well as the process and timing to
18 switch to an alternate supplier?

19 MR. NAGLE: Sure. In general, the --
20 almost all of the production of the ship-to-shore
21 cranes, particularly, is in China. Even if it's
22 a non-Chinese company, most of the actual

1 manufacturer of the cranes themselves is in
2 China.

3 So that the vast majority, and usually
4 when there is request for proposals put out, it
5 tends to be the Chinese manufacturer that, in
6 often cases, is the only respondent and one
7 available to be able to meet those needs.

8 Some cranes also require or some ports
9 also require specific low profile cranes if their
10 facilities are near airports, like Port
11 Everglades and such. And on the low profile
12 cranes, absolutely, there is no other manufacture
13 other than in China.

14 The other thing I guess that's
15 important is that these are primarily, the
16 manufacturer is the, in Chinese -- in China, it's
17 the facility -- I mean, really the unit itself,
18 the steel structure.

19 Whereas the technology involved is put
20 onto the crane once it reaches here in the U.S.
21 and generally is a either a U.S. or European
22 company. So the actual drive for the train --

1 for the crane, the technology is being put on
2 after and, let's say, often, from a U.S.
3 manufacturer or European manufacturer, not --
4 it's not high technology from China.

5 MS. ZHAO: Thank you. I have a
6 follow-up question. You discussed the effects on
7 U.S. ports in your testimony. What do you think
8 are the effects on Chinese ports?

9 MR. NAGLE: In terms of the crane
10 manufacturer itself?

11 MS. ZHAO: Yes. Oh, sorry, imposition
12 of duties.

13 MR. NAGLE: Oh. Well, I think in
14 general, the, you know, we've seen an impact on
15 U.S. -- particularly U.S. exports to China. So
16 in terms of volumes moving through U.S. ports to
17 China and therefore then Chinese ports, they're
18 certainly seeing -- have seen a reduction in
19 products coming from the United States.

20 We've not seen, to date anyway, a
21 reduction in the volumes of goods coming through
22 China. In many cases, what we saw over the last

1 year and a half was actually an increase in goods
2 moving through the system from -- including
3 Chinese ports obviously -- then into the United
4 States, as there was certainly a lot of effort by
5 a number of shippers, et cetera, to try to
6 advance those shipments, build up inventories in
7 advance of, at that time, the potential of the
8 last list going from 10 percent to 25 percent.

9 So we've not seen, to date, a
10 reduction in those volumes.

11 MR. BLAHA: Thank you. Mr. Koff,
12 another follow-up, if I may. I think you had
13 referenced that the Chinese brush firms own the
14 IP, as I understood it.

15 And I guess, but also that there were
16 multiple -- or molds were used for one season or
17 there was a seasonality to the molds. I wonder
18 if you could just elaborate on -- essentially
19 what is the time length over which the IP
20 applies?

21 Or -- so, I guess if changing -- is
22 changing a mold from season to season, is there

1 all new IP for that? Or is it relatively -- is
2 there less friction essentially on a seasonal
3 basis because there would be no IP constraints
4 for the next season's molds? I'm not sure if I'm
5 stating this correctly, but --

6 MR. KOFF: Yes, let me take a stab at
7 it. And it's also detailed in the comments that
8 we have, starting at Page 5 of those comments.

9 Basically, the Chinese companies own
10 the molds, and those molds are reusable. So
11 those molds are something that apply for one
12 particular product.

13 And as notes in the publicly available
14 comments -- and I'm trying to find the exact
15 footnote for you -- the molds are estimated to
16 perhaps be \$20,000 per mold. It's a capital
17 intensive investment to redo one of those molds.

18 And some of these flowers -- this is
19 at Footnote 15 -- one mold could cost as much as
20 \$20,000. And some complex components themselves
21 could require multiple molds. So the idea is
22 that China has had 30 years to develop their

1 cache of individual molds.

2 And as a result of developing these
3 over the years, they've built, in a capital
4 intensive ability, a certain number of molds per
5 year. And they haven't had to do a heavy lift
6 immediately for all the molds in a one-year
7 period of time.

8 So they own the molds. To recreate
9 everything would require a significant capital
10 intensive investment. Besides the capital
11 intensive investment, you also have the work
12 force which has been trained over the last 30-
13 year period, for two generations.

14 So it's just not feasible to move
15 production to any other location. They just --
16 they literally have no options. And, you know,
17 well, I've been here. I've seen you over the
18 last five days, testifying.

19 This one industry, they can't --
20 unlike all the other ones that have been talking
21 about it -- they just don't have the ability to
22 move it because it's not a widget. It's a very

1 complex product that has no other source of
2 supplies.

3 And I have the data from the USITC
4 data web to sort of show that. Does that answer
5 your question?

6 MR. BLAHA: I believe so. Just to
7 clarify, so the IP constraints, whatever
8 frictions the IP might make to -- inability to
9 move outside of China -- would apply across
10 multiple seasons?

11 So it's not the case that a new
12 seasonal offering means that that constraint
13 doesn't apply?

14 MR. KOFF: Correct. The company
15 purchases seasonally, which means that -- and the
16 reason why we talked about that, it means that in
17 terms of the capital intensive cost to buy a new
18 mold, they will only use a mold for a particular
19 season.

20 So it's just not economically viable
21 to invest for that mold because it's only used
22 for one season. But the IP ownership is with the

1 Chinese entity, and they own those mold full
2 stop.

3 So it doesn't matter whether it's a
4 seasonal investment or not. The Chinese have the
5 component and they have the component business,
6 period. Has that answered your question?

7 MR. BLAHA: Okay, thank you. Yes, I
8 think so.

9 MR. KOFF: Okay.

10 MR. BISHOP: Mr. Chairman, we release
11 this panel with our thanks.

12 CHAIRMAN TSAO: We'll take a lunch
13 break right now. We'll reconvene at 1:05, 1305.
14 Thank you.

15 (Whereupon, the above-entitled matter
16 went off the record at 12:08 p.m. and resumed at
17 1:05 p.m.)

18 CHAIR BUSIS: Thank you. Welcome to
19 our afternoon session of today's hearing. Before
20 we start with our testimony, I'm going to repeat
21 some of the administrative instructions for the
22 afternoon witnesses, and then the Committee will

1 introduce itself. Each witness appearing at the
2 hearing is limited to five minutes of oral
3 testimony.

4 The light before you will be green
5 when you start your testimony, yellow means you
6 have one minute left, and red means your time has
7 expired. After the testimony from each panel of
8 witnesses, the Section 301 Committee will have an
9 opportunity to ask questions. Committee
10 representatives will generally direct their
11 questions to one or more specific witnesses.

12 As stated in our May 17 notice, post-
13 hearing comments, including any written response
14 to questions from the Section 301 Committee, are
15 due seven days after the last day of the hearing.
16 Our hearing is scheduled to conclude on June 25,
17 which means that all post-hearing comments are
18 due by no later than July 2nd.

19 Given the number of witnesses, we
20 request that, when responding to questions,
21 witnesses be as concise as possible. Witnesses
22 should recall that they have a full opportunity

1 to provide more extensive responses in their
2 post-hearing submissions. No cameras or video or
3 audio recording will be allowed during the
4 hearing.

5 Written transcripts of this hearing
6 will be posted on the USTR website, and on the
7 Federal Register docket. At this time, I'm going
8 to ask our Committee members to introduce
9 themselves for the, for the witnesses, and also
10 for the court reporter.

11 MR. FRATERMAN: Matthew Fraterman,
12 Department of Labor.

13 MR. MAIER: Peter Maier, Department of
14 Treasury.

15 MS. ZHAO: Shelly Zhao, Office of the
16 U.S. Trade Representative.

17 MR. DIXIT: Praveen Dixit from the
18 Department of Commerce.

19 CHAIR BUSIS: And I'm Bill Busis,
20 Deputy Assistant USTR for Monitoring and
21 Enforcement, and Chair of the Section 301
22 Committee. Mr. Burch, you may call the first

1 witness. Thank you.

2 MR. BURCH: Mr. Chairman, our first
3 witness for Panel 36 will be Josh Werthaiser with
4 Feather and Down, Down Lite. Mr. Werthaiser, you
5 have five minutes.

6 MR. WERTHAISER: Thank you very much.
7 Thank you to the USTR panel for allowing us to
8 take part in these hearings. We do appreciate a
9 chance to allow our voices to be heard.

10 My name is Josh Werthaiser. I am the
11 president of Down Lite, and a second generation
12 family member of the organization. We are 36
13 years old with roots dating back more than 100
14 years. We are a leading domestic manufacturer of
15 top of bed products, as well as natural fill
16 insulation.

17 We have five factories located
18 throughout the United States, employing over 500
19 people. We are very proud of what we do in
20 putting Americans to work building quality
21 bedding and insulation that is used in multiple
22 channels, including home, hospitality, and

1 outdoor.

2 Our home customers range from Walmart
3 to Bloomingdale's. Our hospitality include
4 customers such as Starwood and Marriott, and
5 Patagonia, Columbia, and North Face are brands
6 that we work with in the outdoor segment.

7 We sell domestically in the United
8 States, as well as outside, to countries like
9 Canada, Europe, as well as various other regions
10 throughout the rest of the world.

11 We fully respect the efforts of the
12 administration and the drive towards fair trade
13 practices, while protecting the US intellectual
14 property. The concern we have is over the
15 announcement of the fourth list, and more
16 specifically, the inclusion of HTSUS subheading
17 0505.01.00, feather for a kind used for stuffing
18 and down.

19 Should this tariff go into effect as
20 currently constructed, or structured, we believe
21 there will be adverse impacts opposite of what
22 the administration is attempting to achieve,

1 unfair trade.

2 The administration previously
3 recognized and understood these arguments when
4 List 3 was proposed, and -- excuse me -- and this
5 subheading was removed before the final List 3
6 was issued.

7 It is important to understand that
8 our, where our supply chain comes from. The
9 material that we purchase, the feather and down,
10 is a byproduct of the poultry industry, and
11 therefore, we, as an industry, have to go to
12 countries where they consume duck and goose meat.

13 Specifically to the US market, while
14 duck is consumed in a small amount in the US, it
15 is not a core staple of our diet. In fact, the
16 US consumption of these proteins only generates
17 about 2 percent of the total global feather and
18 down supply, far less than our market consumes on
19 an annual basis.

20 Due to this low percentage, the supply
21 base existing domestically has never been
22 tariffed or dutied before, or ever had a duty on

1 it before. When you look at the global supply
2 chain, the market that consumes the most goose
3 and duck in the world is China.

4 In fact, they consume more duck and
5 goose than any other, than all of the other
6 countries combined, actually driving 80 percent
7 of the total supply of feather and down around
8 the world.

9 To put this in perspective, in 2017,
10 we imported 16, as an industry, 16.4 million
11 kilos of feather and down. 14.4 million of
12 those, of that material came from China, which is
13 88 percent. 2 million came from other regions,
14 or 12 percent.

15 If we purchased all of the domestic
16 material available, it's about 1.3 million kilo
17 of feather and down, and combine that with all of
18 the material we were able to get outside of the
19 US, another 2 million. That's only 3.3 million,
20 which is far less than the more than 16.4 million
21 kilo we need as an industry.

22 Downlite, and others in our industry,

1 will have no choice but to continue sourcing
2 feather and down from China, due to their
3 dominance of the supply chain. Another concern
4 we have is job loss.

5 Tariffs, obviously, to us, would
6 basically mean higher costs that we would then
7 have to pass on to our customer base, and in
8 turn, to theirs. We do not have the margins
9 within our, within our pricing to go ahead and be
10 able to absorb, so we would have to pass those on
11 dollar for dollar.

12 These higher prices would debilitate
13 the demand within our industry due to price
14 elasticity that exists. Lower demand would force
15 Downlite and other companies within our industry
16 to have to reduce their workforces due to the
17 lower demand.

18 In addition, domestic companies that
19 provide products like packaging, boxes, labels,
20 they would also feel the effects of this as well.
21 Another concern, and possibly even bigger, is the
22 fact that it would potentially make the US less

1 competitive compared to neighboring nations.

2 Countries like Canada and Mexico, for example.

3 Those countries, along with others,
4 would be able to import the components at
5 beneficial levels, manufacture the finished
6 products, and then ship it into the US without
7 impacts of tariffs.

8 I've provided a confidential document
9 for your review, along with the comments, that
10 shows the competitive landscape both with and
11 without tariffs. And as can be seen on those
12 documents, US manufacturing loses its competitive
13 edge versus manufacturing in regions, in regions
14 such as our neighboring countries, should this
15 tariff go into effect.

16 I would like to close with a quick
17 story. As mentioned previously, we manufacture
18 bedding within the hospitality industry. Through
19 our distributors and products, we enter a wide
20 variety of hotels, including, actually, the Trump
21 Hotels.

22 Post-election, we were honored to

1 receive a call from the administration to have
2 our bedding put into the White House. The
3 concern we have is if this tariff goes through as
4 it's currently proposed, we, along with other
5 domestic manufacturers in our industry, will lose
6 our competitive ability to produce these goods
7 domestically in the US.

8 Once again, I would like to urge the
9 USTR to consider removing HTSUS subheading
10 0505.10.00 from List 4, allowing us to keep
11 Americans working, and to fairly compete in the
12 global market.

13 Thank you for allowing me the time to
14 take, or thank you for allowing me to take part
15 in the hearings, and I welcome your questions.

16 MR. BURCH: Thank you, Mr. Werthaiser.
17 Our next panel witness will be M. Travis Stier
18 with the American Down and Feather Council. Mr.
19 Stier, you have five minutes.

20 MR. STIER: Thank you. The American
21 Down and Feather Council's member companies are
22 American manufacturers and traders, and Josh's

1 company is one member. Combined, our association
2 may account for close to 90 percent of all the
3 down and feather bedding products sold in the US
4 market, whether as OEM manufacturers, like him,
5 or as importers.

6 We thank the Committee for listening
7 to our concerns and hopes. I am going to be much
8 briefer than Josh, since he covered a lot of
9 great topics. Rather than read our written
10 testimony word for word, I'll move quickly to our
11 best argument, on page 4.

12 This Committee appeared to accept this
13 argument in August 2018, and excluded down and
14 feather materials from the List 3 10 percent
15 tariffs at that time. As Josh indicated, down
16 and feather is a byproduct of the meat industry,
17 which also means that increased demand never
18 leads to increased supply of this material.

19 Chickens and turkeys, being land
20 fowls, have no down. It turns out that,
21 consistently, from decade to decade, the past
22 couple decades, around 80 percent of the global

1 supply of down and feather comes from China.
2 Europe has had, historically, around 10 percent
3 of global supply. The USA and Canada now account
4 for close to 2 percent of global supply.

5 The US market demand for down
6 fluctuates with price. US bedding demand hovers
7 around 10 to 12 percent of global supply, while
8 US demand in apparel, or down jackets, currently
9 consumes another 10 to 12 percent of global
10 supply.

11 Since Europe and other places consume
12 a large portion of the down they produce,
13 American manufacturers and importers must use
14 Chinese down to satisfy a significant portion of
15 American demand, and my understanding would be at
16 least 75 percent of American down products
17 contain Chinese down in any given year, within
18 the last decade. And US ITC statistics can
19 support this testimony.

20 The lack of availability outside China
21 means that tariffs on down would harm American
22 consumers much more than Chinese producers of

1 down and feather materials.

2 Aside from that, the ADFC's position
3 is that the tariffs on List 4 would generally be
4 bad for the economy on domestic demand, and quite
5 likely lead to layoffs in the domestic
6 manufacturing sector during a period of economic
7 adjustment.

8 For these reasons, the ADFC opposes
9 all of the List 4 tariffs. Thank you for
10 listening. I now yield the balance of my time.

11 MR. BURCH: Thank you, Mr. Stier. Our
12 next panel witness will be Carlo Bargagli with
13 Ideaitalia Contemporary Furniture. Mr. Bargagli,
14 you have five minutes.

15 MR. BARGAGLI: Thank you, Mr.
16 Chairman, and thank you for having me. We are
17 essentially case good manufacturer. Therefore,
18 we make bedrooms. We make them in North
19 Carolina.

20 There are very few case good
21 manufacturers left in this country. They all
22 moved to Asia, and especially South Asia. Now,

1 there are certain components that we use for the
2 assembly of our bedrooms, which are here, covered
3 by these tariffs.

4 Glides for drawers, metal of certain
5 kinds that would be basically undermounts, so
6 feet for case goods, et cetera, et cetera, that
7 we bring in from China. We engineer them, design
8 them, and we outsource them in China.

9 The reason we outsource them in China
10 is because they are, the unit itself costs
11 pennies, so we're talking a drawer glide, to hit
12 our price points, therefore, on the promotional
13 end of the business, might cost \$1, \$1.10, \$1.15,
14 and we virtually can't find anybody in the world
15 to manufacture that specific product, that needs
16 a certain, has technology involved, and also very
17 low cost. We can't find them anywhere else in
18 the world.

19 Now, the point that I am interested in
20 making is, there are other manufacturers of case
21 goods, promotional bedrooms, especially in
22 Malaysia, Indonesia, Vietnam, and these guys will

1 be allowed to buy the same components that,
2 generally speaking, we design and we make because
3 our technical technology is Italian. We figure
4 it out in Italy, and then we farm it out, and the
5 benefits come to this factory in the US.

6 These guys will be able to bring in
7 duty-free assembled bedrooms, okay, and they will
8 be more promotional, and they will be having a
9 competitive advantage over the labor costs and
10 everything else, which we're fighting, and we
11 learned how to compete with that.

12 But they would be able to bring in
13 these components in their countries duty-free,
14 and then export, or in the United States. My
15 same retailers will bring in their bedrooms,
16 basically, with this big advantage.

17 And that's what I, and that's why I'm
18 here, and I'm asking your consideration on this.
19 Now, we are a small factory, about 300 people.
20 And we can't pass along these increases to our
21 retailers, because, again, they have a way to
22 source the same product we make, or similar

1 product to the one we make, in the Southeast
2 Asia. Not China.

3 The result being, we would lose our
4 business. We'd have to probably close the
5 factory that's been operating since 2005, so 10
6 years, and let go of 300 people. Not a big
7 situation in this, in this market, but still, a
8 situation that we very much care for.

9 This is the essence of my, of my being
10 here, and I ask for your consideration. The two
11 tariff numbers are 8302.42.3015, and
12 8302.42.3065, and this is for the 301 duties.
13 Thank you very much, and I welcome any questions.

14 MR. BURCH: Thank you, Mr. Bargagli.
15 Our next panel witness will be James Barthel with
16 the Primex Family of Companies. Mr. Barthel, you
17 have five minutes.

18 MR. BARTHEL: Good afternoon,
19 Chairman, and the Section 301 Committee. Thank
20 you for allowing me to represent our company, the
21 Primex Family of Companies, share our story, and
22 respectfully request for the exemption of 13 HTS

1 codes from the proposed 25 percent tariff.

2 I'm James Barthel, Chief Financial
3 Officer of Primex. We are small, 75-year-old
4 family business with 150 employees based in Lake
5 Geneva, Wisconsin. Our company's offerings span
6 from clock parts to weather stations, which are
7 used in the healthcare, education, retail
8 pharmacy, manufacturing, and engineering sectors.

9 We are in over 30 percent of hospitals
10 in the United States, and one of the largest
11 suppliers of weather stations and clocks in North
12 America, through our mass online and direct
13 channels.

14 This business was literally started on
15 a kitchen table, part-time, by an innovative
16 entrepreneur who wanted to make a better life for
17 his family and have an impact on his community.
18 It's a classic American story, built on sweat
19 equity and innovation.

20 While we are supportive, and
21 understand the goals that USTR and the
22 administration have outlined in various reports

1 detailing China's aggressive and discriminatory
2 policies, today I'd like to outline 3 reasons why
3 13 HTS codes should be removed from the proposed
4 fourth list of projects, products, subject to a
5 25 percent tariff. The 13 HTS codes include
6 alarm clocks, wall clocks, and thermometers, all
7 products central to our business.

8 First, these tariffs will continue to
9 do unrectifiable harm to our business. The
10 Section 301 tariffs have put Primex, primarily
11 our Chaney Instrument Company, in an
12 unsustainable loss position.

13 We have had products on each of USTR's
14 four lists of products subject to tariffs, with
15 the potential impact from products on this fourth
16 list being over \$1 million. We have already paid
17 over \$3 million in Section 301 tariffs from our
18 small, from our products on USTR's List 1, 2, and
19 3, which not only has resulted in the elimination
20 of all of our profit, but has put us in a loss
21 position, an approximate 20 percent reduction in
22 our workforce, and reduction in our R&D

1 initiatives.

2 It's not our Chinese suppliers who are
3 paying the price of the tariffs. It's our small,
4 Wisconsin-based business, and ultimately, our
5 employees. This bleeding will only become more
6 severe with the tariffs proposed for our products
7 on List 4.

8 It is impossible to pass along these
9 tax increases to our customers, due to our
10 foreign competitors, who are not subject to these
11 tariffs. In addition, our retail customers
12 typically have a very inelastic demand profile.
13 Primex, formally a profitable company, is in
14 jeopardy solely because of the Section 301
15 tariffs.

16 Second, Primex cannot source our
17 products outside of China. Our supply chain has
18 taken almost three decades to develop via small,
19 private, family-owned businesses in China. These
20 are not state-influenced or state-driven
21 companies seeking high technology.

22 As a small business now operating at

1 a loss position because of tariffs, there is no
2 way possible to completely rebuild our supply
3 chain, and no bank would fund such an endeavor.

4 Third, our products will not be
5 effective in curbing China's predatory practices.
6 Neither Primex, nor our products, are subject to
7 any predatory acts by China, such as cyber theft,
8 market access, or forced technology transfers.

9 The technology used is simple, and is
10 generally considered a late, low-technology
11 product. They are not made through advanced
12 technology manufacturing. People buy our
13 products for the utility they provide, not
14 necessarily because of technology in the product.

15 In summary, we ask that our 13 HDS
16 codes, particularly those alarm clocks, wall
17 clocks, and thermometers, be excluded from the
18 proposed fourth list of products to be subject to
19 a 25 percent tariff because of the unrectifiable
20 economic harm to Primex, as we cannot source our
21 products outside of China, and our products would
22 not be effective in curbing China's predatory

1 practices. I appreciate your time, and welcome
2 any questions this Committee may have.

3 MR. BURCH: Thank you, Mr. Barthel.
4 Our next panel witness will be John Kunes with
5 Fuling Plastics USA. Mr. Kunes, you have five
6 minutes.

7 MR. KUNES: Thank you. Mr. Chairman,
8 members of the Committee, my name's John Kunes.
9 I'm executive vice president for Fuling Plastics
10 USA, Incorporated. I'm here to discuss reasons
11 why we feel that the USTR should remove plastic
12 tableware from the proposed list of subject,
13 products subject to the additional 25 percent
14 tariff. The top of my written testimony contains
15 the Harmonized Tariff Schedule subheading for
16 this product.

17 Fuling is a global supplier of plastic
18 tableware, and it's operations include a
19 manufacturing facility in Allentown,
20 Pennsylvania, where we manufacture a broad range
21 of products for the food industry, and it's use
22 in commercial food service.

1 We're proud that we sell our products
2 to five of the nation's six largest fast food
3 chains, as well as restaurant distributors,
4 wholesalers, and other retail outlets. Our
5 company's near-term goal is to continue to
6 transfer production to our Allentown facility, as
7 the mass, the vast majority of our customers are
8 located in the United States, and they prefer to
9 purchase domestically manufactured product.

10 Though through increased automation
11 and process improvements, we still believe that
12 many more of these products can be transferred to
13 our Allentown facility without compromising the
14 cost effectiveness that made it successful.

15 This will allow us to increase
16 manufacturing jobs in Pennsylvania to those who
17 may have been pushed out of a job in today's
18 high-tech market.

19 We want to emphasize that Fuling acts
20 in alignment with the administration's goal to
21 bring manufacturing jobs back to the US,
22 particularly those jobs that are vulnerable to

1 outsourcing overseas.

2 The State of Pennsylvania, as well as
3 the Lehigh Economic Development Corporation have
4 both provided letters to support Fuling's
5 contribution to the local economy, including the
6 jobs that we've created for the local workforce
7 in the Lehigh Valley.

8 Imposing 25 percent tariff on imports
9 of plastic tableware will negatively affect our
10 expansion plans and ability to transfer more
11 production to the United States. The increased
12 financial burden resulting for the additional
13 tariffs will negatively impact the company's
14 growth, cash flow, will increase costs, and will
15 ultimately will impact sales.

16 The increased product cost and
17 potential decline of revenue could likely delay
18 or even derail our expansion plans in Allentown.
19 Perhaps equally important is that the proposed
20 increased duties are likely to be largely
21 transferred to Fuling's customers, including fast
22 food restaurant franchise owners, who, in turn,

1 will likely pass these costs onto the American
2 consumer, particularly those who rely upon fast
3 food as a source of quality, affordable meals.

4 Overall, Fuling believes the proposed
5 tariff measures on plastic tableware will
6 disproportionately harm US interest, American
7 manufacturing interests, domestic fast food
8 interests, and the American consumer's interest.

9 Lastly, we respectfully assert that
10 imposing the tariffs on plastic tableware --
11 excuse me -- that will impact the American
12 consumers and fast food business, is unlikely to
13 help the administration achieve its goal of
14 influencing the Chinese government to change or
15 eliminate unfair trade practices.

16 These low-tech products are not those
17 targeted by the Chinese government in an effort
18 to pursue advanced technologies. Moreover, there
19 are no risks that these tableware products, or
20 their production technologies, have been or will
21 be subject to forced intellectual property or
22 technology transfers.

1 In conclusion, Fuling believes that
2 imposing tariffs on plastic tableware products
3 will only cause harm to a number US interests,
4 and hardworking Americans, and would not achieve
5 any identifiable benefits.

6 Therefore, on behalf of Fuling
7 Plastics USA, I respectfully ask this Commission
8 to remove plastic tableware from the proposed
9 list of products to be subject to the 25 percent
10 tariff. Thank you for your time. I'd be willing
11 to take any questions at the end.

12 MR. BURCH: Thank you, Mr. Kunes. Our
13 next panel witness will be Jared Wessel with
14 Spectrum Brands Holding. Mr. Wessel, you have
15 five minutes.

16 MR. WESSEL: Good afternoon, Chairman
17 Buis, and members of the Section 301 Committee.
18 For the record, my name is Jared Wessel, counsel
19 to Spectrum Brands Holdings. Thank you for the
20 opportunity to appear before you today.

21 Let me tell you a little about my
22 client. Spectrum Brands is an American

1 manufacturer and global consumer products company
2 headquartered in Middleton, Wisconsin. A member
3 of the Russell 1000 Index, Spectrum Brands offers
4 a broad portfolio of leading value-based consumer
5 brands, such as Kwikset locks and Remington
6 household electric appliances.

7 Our products are sold in stores like
8 the Home Depot and Lowe's. We respectfully
9 submit that tariffs on the items noted in our
10 request to testify, and attached to my testimony
11 today, would be counterproductive to American
12 interests.

13 Specifically, these tariffs would harm
14 US manufacturing, US consumers, and weaken US
15 brands vis-a-vis their foreign competitors.
16 These harms would not be offset by any impact on
17 the Made in China 2025 program, or any other
18 program at issue in the Section 301
19 investigation.

20 First, I would like to talk about
21 locks and lock components. Parts from many of
22 our locks begin their journey at our, at our

1 advanced manufacturing facility in Denison,
2 Texas. That facility sources raw materials in
3 the United States, fabricates and die cast the
4 lock components, then ships them to China to be
5 further processed.

6 Approximately 25 employees in the
7 Denison facility work on the products that are
8 ultimately shipped to China. Spectrum Brands
9 often then reimports the lock components for
10 final manufacturing in Charlotte, North Carolina.

11 Our Charlotte facility produces made
12 to order residential locks for the protection of
13 the American home. Roughly 36 percent of the
14 final value of these North Carolina products is
15 made in America, and approximately 23 percent of
16 the final value of all locks we sell in the
17 United States is made in America.

18 Around 16 employees in North Carolina
19 work on the products that come from China, and
20 that could be subject to the Section 301 duties.
21 We spend close to \$5 million on engineers to work
22 on the products at issue here. Tariffs would

1 cripple the American jobs associated with our
2 locks.

3 Spectrum Brands cannot simply move
4 sourcing back to the United States, or to a third
5 country. Spectrum Brands has built highly
6 connected global supply chains, incrementally
7 established over the last 20 years.

8 Any unwinding of this would take years
9 to accomplish, would be highly disruptive. It
10 would force substantial price increases. More
11 than sales will be lost.

12 Spectrum Brands will be forced to
13 shrink its R&D and marketing budgets as cash flow
14 decreases. Needless to say, R&D spending is the
15 lifeblood of our future, and for our locks that
16 R&D has done domestically.

17 In sum, tariffs on locks and lock
18 components will not only injure us today, but
19 also cripple Spectrum's future as an innovator.
20 This cannot be what the administration intends.

21 I would also be remiss if I did not
22 mention the obvious. These tariffs would

1 increase prices on lock sets, a key component of
2 security for American homeowners, making it less
3 likely they would upgrade or replace aging lock
4 sets, when they otherwise would or should.

5 Similarly, tariffs on our household
6 electric appliances will have a severe impact on
7 our customers. Our customers have an average
8 income under \$70,000, which puts them squarely in
9 America's middle class. Every dollar matters for
10 these customers.

11 It is important for the Committee to
12 realize that the tariff impact is likely to be
13 significantly higher than 25 percent tariff
14 applied at the border. This is due to the fact
15 that the tariff is assessed before distributor
16 and retailer margins, and other markups.

17 As a result, the tariff impact is
18 compounded across the distribution chain.
19 Lastly, Section 301 tariffs would potentially
20 cause irreversible damage to our American brands,
21 which will come at the expense of American jobs.

22 Our foreign competitors, who can

1 source from China tariff-free, and ship final
2 products from other Asian countries tariff-free,
3 would have an unearned price advantage.

4 Similar to the situation with locks
5 and lock components, as our sales dried up, it
6 would negatively impact the good-paying US jobs
7 that go into making Spectrum Brands, such as the
8 R&D and the product development.

9 These adverse impacts caused by the
10 tariffs would have no justification. Our
11 products have no relation to the technologies of
12 the Made in China 2025 program. Thank you for
13 your time.

14 MR. BURCH: Thank you, Mr. Wessel.
15 Mr. Chairman, this concludes all witnesses'
16 testimonies.

17 MR. MAIER: Peter Maier from the
18 Department of Treasury. I've got a question for
19 Mr. Werthaiser. First of all, thank you for your
20 testimony. I know that you've already addressed
21 this question to a certain degree in your
22 testimony, but what would be the effect on your

1 industry if the additional tariffs apply to both
2 the down and feather material, as well as the
3 pre-filled Chinese pillows and comforters?

4 MR. WERTHAISER: Thank you for your
5 question. With the duty being on both
6 components, it doesn't change the competitive
7 landscape with China. With that though, the
8 competitive landscape would shift to other
9 countries outside of the United States.

10 Perfect example is Canada, where they
11 can go ahead and import the different components
12 at the duty rates that they have at this point in
13 time, manufacture it into a finished good, and
14 then ship that directly into the United States.
15 That's, I provided some math, some numbers behind
16 that to prove that point.

17 So the bigger concern is not the fact
18 that the Chinese would gain the advantage, but
19 that other countries would gain the advantage.
20 The place where China would gain an advantage is
21 what the products that we export from the United
22 States to those other locations.

1 So for example, there are products
2 that we manufacture currently today, where, for
3 customers that have locations in Europe, even the
4 Middle East. Different places where we would
5 basically be paying a premium for the materials,
6 manufacturing it here, and then shipping it
7 directly to those customers there, with the
8 tariffs built in, whereas the Chinese direct
9 seller could go directly to those customers now.
10 And so that's where it would benefit them.

11 But for the domestic market, the
12 bigger threat is not China getting the advantage,
13 but other countries closer to us that would gain
14 that manufacturing advantage. Does that answer
15 your question? Thank you.

16 MR. STEPHENS: This is Andrew Stephens
17 with USDA. Question for Travis Stier. How many
18 employees are there in the United States that sew
19 things out of, out of down products?

20 MR. STIER: Did you say sew? Cut and
21 sew?

22 MR. STEPHENS: Yes, or assemble,

1 whatever the process is.

2 MR. STIER: Assemble?

3 MR. STEPHENS: Yes.

4 MR. STIER: Okay. Just to tally up
5 our seven member companies, and these are
6 estimates, but pretty good estimates. My
7 company, 100, Josh's company, 100, Hollander,
8 many, many more. I think on the order of 2,000.
9 And other companies combined in the United
10 States, probably less than 500, total.

11 MR. STEPHENS: And I remember as a
12 child that my grandmother worked doing some
13 sewing in a, back in the 1960s in Louisiana,
14 Missouri. How many jobs like this are in rural
15 areas?

16 MR. STIER: I'm sorry, I
17 misunderstood.

18 MR. STEPHENS: In rural areas of the
19 country.

20 MR. STIER: Hollander's factories, in
21 particular, are spread throughout many rural
22 areas of the country. They have about 12 around

1 the country, a lot of them in, several of them in
2 Kentucky, 1 in rural Georgia, Pennsylvania,
3 Compton, in Los Angeles. Josh is in Arizona, I
4 believe? Yes.

5 MR. WERTHAISER: We have a location,
6 actually, outside of Indianapolis, in a town
7 called Middletown, Indiana, so that is in more of
8 a rural location as well. We're in a town called
9 Monroe, North Carolina, which is about an hour
10 outside of Charlotte, so that's more in a rural
11 location as well. So a lot of the jobs that we
12 do have are located in those regions.

13 MR. STEPHENS: Thank you.

14 MS. ZHAO: This question is for Mr.
15 Bargagli. What percent of the value of your
16 furniture comes from drawer slides and the metal
17 handles and mountings? Could you give a few
18 examples?

19 MR. BARGAGLI: Yes. I would say, over
20 all 15, 18, maybe 20 percent, depending, we
21 manufacture very few styles, and try to keep the
22 volume up.

1 So it might change from one style to
2 the other, but on average, I would say between,
3 they represent between 15 and 20 percent. It's
4 all the dressing up of the furniture. The
5 handles, the feet, the glides of the drawer. All
6 that product.

7 A lot of that product, we had to farm
8 out in China, because it had some processes that
9 are not friendly, environmentally-wise.
10 Therefore, there are very few countries in the
11 world that would even, and that has to do with
12 the finishing.

13 But to answer your question about, I
14 would say between 15 and 20 percent of the sales
15 cost is represented by those two specific tariffs
16 and imports.

17 MS. ZHAO: Thank you.

18 MR. BARGAGLI: Sure.

19 MS. ZHAO: And how much would the cost
20 to produce of items that would be increased by
21 the tariffs?

22 MR. BARGAGLI: You know, it would be

1 anywhere between 3 and 5 percent, we are here in
2 Washington, D.C., and let's say one of our
3 biggest customers is Bob's Furniture, and you all
4 heard of him, because of the advertising and
5 everything else.

6 Now, to just give you an example, we
7 are in a 799 to \$899 price range for bed,
8 dresser, mirror, night stand, chest. That's all
9 called the package. And we sell it to them for
10 about half the price that will be North Carolina.

11 And if we were to go up 5, 6 percent,
12 that 5, 6 percent would trigger \$100 more on the
13 retail price point, and at that point, our
14 furniture would not be selling, our package,
15 because again, they would bring it in from
16 Indonesia, Malaysia.

17 You need to remember something, and I
18 want to bring this up, if you don't mind. 10
19 years ago, 15 years ago, there were the anti-
20 dumping assessed to furniture. Wood furniture
21 from China, all these gentlemen that owned the
22 factories in China, they were mostly Taiwanese,

1 very smart people.

2 They moved their factories to Vietnam,
3 to Indonesia, to Malaysia, and kept doing
4 business duty-free. Now, those are my
5 competitors. They are very, very capable people.
6 We already got a fight with the much higher
7 labor, packing cost, et cetera, et cetera. So
8 please, give us a break here.

9 CHAIR BUSIS: So to follow up on that,
10 so you currently do not --

11 MR. BARGAGLI: I wouldn't be able to
12 get to my retailer, even 3 percent under the
13 market condition, or 4 percent increase, without
14 losing the business.

15 CHAIR BUSIS: So, but you don't face
16 direct competition for assembled Chinese
17 furniture because of the dumping duties right
18 now? Is that right?

19 MR. BARGAGLI: Wood furniture,
20 absolutely not, because they come in, again, from
21 southeast, Indonesia, Malaysia, because of the
22 anti-dumping. Yes, sir, that is affirmative.

1 CHAIR BUSIS: All right. Thank you.

2 MR. BARGAGLI: Sure.

3 MR. FRATERMAN: Great. Thank you,
4 everyone on the panel, for your testimony today.
5 My question is for Mr. Barthel.

6 You state that labor and raw material
7 cost prevent changing production from China, but
8 are there any other countries with similar labor
9 and raw material costs to China that could
10 produce these products?

11 MR. BARTHEL: No.

12 MR. FRATERMAN: Okay.

13 MR. BARTHEL: That's short.

14 MR. FRATERMAN: All right. Great.

15 Thank you.

16 MR. DIXIT: Thank you. Firstly, on
17 behalf of the Department of Commerce, I do want
18 to thank all the panelists, and I know I meet
19 tens of hundreds of businesses, probably, but
20 many familiar faces in the crowd, but my question
21 is directed to Mr. Kunes. You talked about an
22 expansion plan in Allentown. Can you give us a

1 sense of what that expansion plan would displace
2 in terms of imports?

3 MR. KUNES: Yes.

4 MR. DIXIT: And also, yes, go ahead.
5 Yes.

6 MR. KUNES: The expansion plan, at
7 this point, is under evaluation on which products
8 we want to make there, and what the comparative
9 economics are.

10 As, I think as spelled in our detailed
11 written comments, you know, we currently make,
12 you know, straws there, and stirrers, but we're
13 looking to bring other, the lobby food service
14 items that we will bring in, so they'll fit the
15 same market niche that we're in today.

16 But they'll, but right now, our
17 primary product is cutlery, and the margin on
18 that will be able to fuel and finance those
19 expansion plans.

20 MR. DIXIT: Okay. Okay. And from the
21 Pennsylvania plan then, what share of your supply
22 comes from that plant?

1 MR. KUNES: I'm sorry?

2 MR. DIXIT: What share of the current
3 supply comes from that plant?

4 MR. KUNES: Boy --

5 MR. DIXIT: Just roughly.

6 MR. KUNES: It, of our total business,
7 I would say probably 10 to 15 percent.

8 MR. DIXIT: Okay.

9 MR. KUNES: That's real round numbers
10 though.

11 MR. DIXIT: No, that's fine. Yes,
12 yes. The other thing you have talked about is
13 there's a, there's a cost squeeze phase from both
14 the retail side, as well as the distribution
15 side. Am I right on that? I --

16 MR. KUNES: I'm sorry, could you --

17 MR. DIXIT: You are facing a cost
18 squeeze, right?

19 MR. KUNES: Yes.

20 MR. DIXIT: And some of that cost
21 squeeze is coming from your import side, right?
22 I mean, you're paying higher cost to the

1 importers, and some of it to your domestic
2 distributors?

3 MR. KUNES: Well, no. Right now, all
4 we're facing as far as cost increases is what
5 we're speaking about today, is this subheading
6 under the Harmonized Tariff Schedule. The
7 products that we make in Allentown, we source
8 the, all the raw materials in the United States.

9 MR. DIXIT: Okay.

10 MR. KUNES: So the products that are
11 currently being manufactured in Allentown,
12 there's no impact. It's our future growth plans
13 that --

14 MR. DIXIT: Okay, I see.

15 MR. KUNES: -- would be impacted by
16 this.

17 MR. DIXIT: I see. So, okay, thank
18 you. Thank you.

19 MR. KUNES: You're welcome.

20 MR. SULBY: Hi, Ari Sulby from the
21 Department of State with a question for Mr.
22 Wessel. You testified that you take the first

1 step of manufacturing locks, you produce that in
2 the United States, you ship the locks to China
3 for some sort of intermediate processing, and
4 then ship them back to the United States for
5 final assembly.

6 Could you please provide some
7 explanation as to why that sort of intermediate
8 step can't be done in the United States or in
9 third countries?

10 MR. WESSEL: No, thank you for your
11 question, and I'll expand in a post-submission
12 filing, but as a general matter, and I think
13 you've heard this a lot from other people who
14 have testified on different panels, a lot of the
15 ecosystem for some of that die casting, et
16 cetera, is over in China.

17 So you know, that, the, that step of
18 the production process has its own ecosystem, has
19 its own suppliers, and a lot of that is over in
20 China.

21 MR. DIXIT: You mentioned in your
22 testimony that there is some R&D being done in

1 the US, right? If this tariff were to take
2 place, then how is the R&D affected, and can you
3 give me a sense of how much of the, roughly,
4 profit, goes into R&D?

5 MR. WESSEL: Yes. For the specifics,
6 I think I'll put that in a post-hearing
7 submission. But I think generally, you know,
8 obviously the, for any company, the R&D and
9 product development is the function of the cash
10 flow coming in.

11 And you know, as we testified, the
12 cash flow, et cetera, would potentially be
13 impacted by the tariffs, and as that would
14 happen, that could, that could hurt the cash flow
15 that goes into the R&D and product development.

16 CHAIR BUSIS: Go on, yes.

17 MR. STEPHENS: I have a question from
18 Mr. Barthel from Primex. You said you have very
19 specific clocks and other instruments, but then
20 you listed some probably very large Harmonized
21 Tariff Schedule numbers that would include
22 hundreds of millions of dollars of trade.

1 I wonder if in the post-submission
2 brief, you could explain more specifically if
3 there's a way to address your interests, but not
4 all of the other items in those categories?

5 MR. BARTHEL: Are you just -- excuse
6 me -- you're just saying the List 4 items, or the
7 ones that we're already paying tariffs on, or --

8 MR. STEPHENS: The List 4.

9 MR. BARTHEL: To understand your
10 question.

11 MR. STEPHENS: List 4, right.

12 MR. BARTHEL: And specifically related
13 to what? Clocks, or --

14 MR. STEPHENS: Yes. I mean, if
15 there's a, I didn't see it in your testimony. I
16 don't know if you've already put in your other
17 submissions, any way to describe those products
18 more specifically, instead of saying, here are
19 some rather general tariff code numbers.

20 MR. BARTHEL: Okay, yes. We can
21 follow up with that --

22 MR. STEPHENS: Okay.

1 MR. BARTHEL: -- subsequently.

2 MR. STEPHENS: And then, a question
3 for Mr. Bargagli.

4 MR. BARGAGLI: Sure.

5 MR. STEPHENS: How many jobs are at
6 risk at your factory?

7 MR. BARGAGLI: We've got about 300
8 people.

9 MR. STEPHENS: And they would all be
10 at risk?

11 MR. BARGAGLI: In Conover, that's
12 Hickory, North Carolina, and then we've got some
13 people working around the factory, our
14 maintenance, electricians, et cetera, et cetera.
15 Plant was established in 2005.

16 As a matter of fact, we already were
17 existing in Italy, and what we did, we moved a
18 big portion of our assembly lines for the, just
19 specifically US, NAFTA, it was called at the
20 time, market. So we've been bringing in and
21 supplying about 10,000 rooms a month, since 2005,
22 to the key retailers we do business with.

1 MR. STEPHENS: Thank you.

2 MR. BARGAGLI: Sure.

3 MR. DIXIT: Mr. Bargagli, can I, in
4 your testimony, you mentioned a 20 percent
5 increase in labor cost.

6 MR. BARGAGLI: I'm sorry, can you
7 repeat that?

8 MR. DIXIT: You mentioned a 20 percent
9 increase in labor costs.

10 MR. BARGAGLI: Yes, sir. We started
11 in 2005. My average hourly cost at the factory
12 was \$8.50. Right now, I cannot find people for
13 less than \$12. Not only, I can't find them,
14 period, because of the situation.

15 We, ours is a rural area, mostly
16 Hispanics. Good people, great workers. Can't
17 find them anymore. They don't verify, whatever.
18 I mean, we just can't find them. So we're --

19 MR. DIXIT: Okay. Now, just --

20 MR. BARGAGLI: Even if we were to
21 expand, that's why I say, I don't have much
22 expansion plans, because the few factories around

1 us, mostly upholstery and furniture, because case
2 goods, as I said, they're done. There are none.
3 They're all overseas.

4 We are, we are always chasing people,
5 and that, obviously, in every industry, raises,
6 you know, the labor cost, but we are at least 20
7 percent, finding. And now, you remember what I
8 said, the southeast, South Asia, which is my
9 competitors in bedrooms, they're paying maybe 50
10 cents an hour.

11 MR. DIXIT: Yes.

12 MR. BARGAGLI: So that's already a big
13 challenge. We wish we can, we can afford staying
14 here and keep growing here, but you guys have got
15 to help us on these tariffs of those little
16 components.

17 CHAIR BUSIS: Mr. Kunes, so I take
18 that you import some Chinese plastic tableware,
19 as well as produce other food service items in
20 your factory. If you made tableware in your
21 Pennsylvania factory, would tariffs on the
22 tableware, at that point, assist your

1 competitiveness?

2 MR. KUNES: Let me make sure I
3 understand your question. Right now, as I've
4 stated before, we have no concrete plans to put
5 tableware in Pennsylvania, and maybe other
6 products.

7 But right now, I guess my position,
8 and I may not be answering your question, because
9 I'm not sure I completely understand it, but is
10 that, you know, this tariff will have to be
11 passed onto our customers, and will, may put us
12 in a noncompetitive situation.

13 CHAIR BUSIS: Okay. Well, but if
14 there were the tariff on the tableware, wouldn't
15 that make it more attractive to produce tableware
16 in Pennsylvania?

17 MR. KUNES: Yes, the problem with that
18 is, it's a long-term expansion plan. There's not
19 a quick way to build injection molding facility
20 to make cutlery in the United States.

21 That's compounded also by the fact
22 that most American mold making won't make cutlery

1 anymore. So any expansion of cutlery industry in
2 the United States is really suspect.

3 CHAIR BUSIS: Mr. Wessel, has your
4 Spectrum, is it, there is a Chapter 98 number for
5 US goods assembled overseas and returned. Have
6 you investigated whether, and I'm not a Customs
7 expert, but have you examined whether your
8 products might be eligible for this tariff
9 treatment?

10 MR. WESSEL: Yes, well, we
11 specifically have not, and I appreciate you
12 flagging that, but I will just say kind of more
13 broadly, you know, there's, in order to be able
14 to use that provision, it's basically simple
15 assembly in China, to the extent that if you go
16 beyond simple assembly, you potentially run
17 outside the ability to use that provision.

18 So I would certainly, I would
19 certainly caution about relying too much on that
20 provision for, you know, for any manufacturing,
21 given the strictness on the assembly provision in
22 there.

1 CHAIR BUSIS: Any more questions? Mr.
2 Burch, you may call the next panel. Thank you.

3 MR. BURCH: Mr. Chairman, we release
4 this panel with our thanks, and would the panel
5 members of 37 make their way to the front?

6 PANEL 37

7 MR. BURCH: Mr. Chairman, all of the
8 panel members for 37 are seated, and our first
9 panel witness will be David Parrish with Blount.
10 Mr. Parrish, you have five minutes. May you
11 please turn on your, turn on your microphone?

12 MR. PARRISH: I am a senior vice
13 president of supply chain for Blount
14 International. Thank you for allowing me to
15 appear today. We appreciate the Committee's
16 approval of our original petition to remove
17 chainsaw parts, classified --

18 MR. BURCH: Can you please pull the
19 microphone up a little bit more?

20 MR. PARRISH: Okay. To remove our
21 original tariff, under the classified number HTS
22 8467.9.101, from List 1. We hope that you come

1 to the same conclusion today, regarding List 4.

2 For those of you that are not familiar
3 with our company, Blount is a manufacturer of,
4 and marketing professional in consumer lawn and
5 garden equipment, forestry equipment, including
6 log splitters manufactured in our Kansas City
7 facility.

8 Blount is a market leader in chainsaw
9 and guide bars for chainsaws. We sell products
10 in more than 110 countries around the world. We
11 also are a US manufacturer with 1,200 employees,
12 800 employees in our Portland, Oregon facility,
13 which serves as our global headquarters, and as
14 well as a manufacturing plant, producing chain
15 and other saw chain accessories.

16 We have eight additional manufacturing
17 and distribution sites in Arizona, Missouri,
18 Illinois, Wisconsin, South Dakota, also employing
19 around 400 additional American workers.

20 We petition, we are petitioning the
21 Committee that by imposing increased duties on
22 chainsaw parts will severely strain Blount's

1 ability to continue to produce in the US, using
2 US labor.

3 It is the United States's best
4 economic interest to remove chainsaw parts from
5 the final list for categories subject to the
6 additional 25 percent tariff. Specifically,
7 Blount submits that imposing increased duties on
8 item in question will, which was previous granted
9 as an exclusion on List 1, List 1, will affect,
10 in effect, will not be in effect in obtaining
11 elimination of China's acts, policies, and
12 practices.

13 Our factory in China is 100 percent
14 wholly owned by Blount, produces our chainsaw
15 bars in question, and fully controls the
16 production processes, as well as intellectual
17 properties, including both trademarks and
18 patents.

19 The subject products would, by no
20 means, be considered cutting edge technology, nor
21 part of China's Made in China 2025 initiative,
22 acquiring technology, becoming a leader and

1 global provider of the same.

2 Our US operations are already being,
3 negatively impacted by Section 232, the steel
4 tariffs, as well as 301 tariffs already in effect
5 through, in Lists 1 through 3. We rely on steel
6 of over 90 percent of our total US manufactured
7 products.

8 Due to the 232 tariffs on imported
9 steel, we have seen our US supplies increase by
10 over 30 percent, which, compounded by paying \$4
11 million in additional duties on 301. We are
12 opposing tariffs, by imposing tariffs on our
13 chainsaw bars on List 4, we have to absorb over
14 \$2 million in additional costs.

15 This burden will greatly hamper our
16 ability to continue investing in the, in the US.
17 We will continue to, we ask the Committee to
18 grant relief on the items in question so we can
19 instead invest those dollars in manufacturing
20 jobs in our US operations.

21 As the manufacturers of these
22 products, our entire business is built around

1 this inputs. If we were able to manufacture
2 these parts in the US, we would. However, in
3 order to maintain our US manufacturing and global
4 competitiveness, we have been forced to globalize
5 production.

6 If we move all of this production back
7 to the US, it would take millions of dollars, and
8 investment, and 5 to 10 years of time to execute.
9 China is currently the number one supplier of
10 chainsaw parts, according, accounting for about
11 33 percent of the total market.

12 Other primary suppliers, including,
13 other primary suppliers would include Germany,
14 Canada, Sweden, and Japan. There is no contract
15 manufacturing of this product any place in the
16 world. Our competitors are owned, own all the
17 capacity in non-China markets.

18 Blount does not currently have
19 capacity in its US plants, in either Canada or
20 Brazil, to absorb the production of bars in
21 China. Any production shift would only take,
22 would take years to implement, and drastically

1 increase manufacturing cost in the US markets.

2 The imposition of tariffs on List 4 on
3 Blount's products will cause job loss in the US,
4 and negatively affect all industries that rely on
5 this category of finished goods.

6 Therefore, we respectfully request
7 that bars that we manufacture in China,
8 classified under HTS 8467.9.101 be removed from
9 the list of items subject to additional tariffs.
10 Thank you for the opportunity to appear today,
11 and I appreciate any questions you may have.

12 MR. BURCH: Thank you, Mr. Parrish.
13 Our next panel witness will be Joseph Cohen with
14 Snow Joe, LLC. Mr. Cohen, you have five minutes.

15 MR. COHEN: Thank you. Good
16 afternoon. I'm Joseph Cohen, the founder and CEO
17 of Snow Joe. I appreciate the opportunity to
18 testify today about the enormous harm that would
19 be caused to American consumers, and small and
20 medium-sized businesses if additional tariffs are
21 imposed on outdoor products.

22 This is my fourth time testifying

1 before this Committee. We have had products on
2 every list proposed to date. I have appreciated
3 the Committee's careful consideration of the
4 impact of these tariffs on ordinary consumers,
5 and I am grateful for the removal of two of the
6 tariff lines of concern to my company from the
7 first and second final lists.

8 Unfortunately, these two products,
9 snow throwers and log splitters, have been added
10 back in this proposed tariff list, along with a
11 number of other products, such as lawnmowers,
12 chainsaws, that are of critical importance to my
13 company.

14 I have included copies with my
15 testimony, of examples of consumer products that
16 would be impacted by List 4. Collectively, if
17 List 4 goes into effect, alongside the other
18 earlier tariff lists, virtually all of our highly
19 affordable electric and battery powered tools
20 will be impacted.

21 I don't think it would be an
22 overstatement to say that such a scenario would

1 present an existential threat to my company. As
2 I have testified in the past, I'd launched Snow
3 Joe as a junior in high school.

4 At the time, we sold only one product,
5 an electric snow shovel that you could buy for
6 less than \$100. Called the Snow Joe, we took our
7 first order with the television channel, QVC, the
8 product sold out in seven minutes, and our
9 company was born.

10 Fifteen years later, Snow Joe is a
11 thriving and rapidly growing company, which
12 creates work for hundreds of Americans, and
13 achieves retail sales of nearly \$400 million.

14 We take pride in our continued
15 development of innovative and high-quality
16 outdoor tools for American consumers of all ages,
17 who seek to clear their own snow, do their own
18 yard work, and care for their own gardens and
19 homes.

20 We invest heavily in American R&D, and
21 provide work for approximately 400 people,
22 primarily in the greater New Jersey and New York

1 areas. The proposed tariffs, if implemented,
2 would be devastating to my company's ability to
3 remain competitive, and create high-quality,
4 well-paying American jobs.

5 We are currently expanding with a new
6 distribution center in North Carolina. However,
7 due to cost pressures and uncertainties caused by
8 prior rounds of tariff, Snow Joe has been forced
9 to put on hold our efforts to also expand into
10 Washington state.

11 With additional tariffs, we will have
12 no choice by to make painful and substantial
13 layoffs in the United States. Many of Snow Joe's
14 products are designed and developed in the US,
15 but they are manufactured in China out of
16 necessity.

17 When Snow Joe was launched, we were
18 not able to identify any US suppliers of electric
19 and cordless consumer outdoor tools. That
20 remains the case today. Had we been able to
21 procure these products domestically, we would
22 have.

1 Snow Joe regularly sources from US
2 suppliers, where feasible. For example, Snow Joe
3 produces its ice melt from Delaware, and produces
4 cleaning supplies in New York and New Jersey.

5 As I have testified in the past, it is
6 simply not realistic to manufacture these
7 products in the US. For example, the seasonal
8 nature of many of our products provides little
9 incentive for the massive investment that would
10 be needed to create new production facilities.

11 Each of our non-gas powered outdoor
12 tools require special and costly equipment. For
13 a small but growing company like mine, investment
14 in building a new factory in the US from scratch
15 for each product is not commercially feasible,
16 nor are there any available third country sources
17 for these products.

18 In an effort to mitigate the impact of
19 Section 301 tariffs, I've traveled throughout
20 Asia, Mexico, and the U.S. to meet with potential
21 new suppliers. None have the skills or equipment
22 to produce these tools. None.

1 Because we cannot identify any US or
2 third country supply source outside of China for
3 these products, and in light of the significant
4 hurdles to building such capacity in the United
5 States or elsewhere, we have no choice but to
6 rely on existing sources in China.

7 If tariffs are imposed, we will be
8 unable to offset these impacts of these tariffs
9 by shifting suppliers. As a result, the tariffs
10 will essentially act as a tax on US consumers who
11 rely on affordable, easy to use products that
12 make their lives easier and safer.

13 At the same time, higher prices will
14 result in lower demand, and revenues for Snow Joe
15 will decline and threaten to stifle the growth
16 that we've worked so hard to maintain over our 15
17 years in operation.

18 For all of these reasons, Snow Joe
19 respectfully requests that the USTR remove,
20 again, from the final list, electric and cordless
21 snow shovels, snow throwers, and log splitters,
22 and not add lawnmowers, chainsaws, and hedge and

1 string trimmers to this new final List 4. Thank
2 you for this opportunity to present these views
3 today. I'm happy to answer questions.

4 MR. BURCH: Thank you, Mr. Cohen. Our
5 next panel witness will be Ken Strait with
6 Tractor Supply Company. Mr. Strait, you have
7 five minutes.

8 MR. STRAIT: Thank you, Mr. Burch.
9 Long week for you guys, I'll bet. Thanks for
10 the, allowing me to testify regarding the impacts
11 of the tariffs on Tractor Supply Company, and
12 more importantly, on our customers.

13 Tractor Supply is the largest operator
14 of rural lifestyle retailer stores in the US,
15 employing nearly 29,000 Americans, and operating
16 about 1,800 stores across 49 states. Tractor is
17 often the only source of affordable quality basic
18 products of indispensable, yet vulnerable,
19 segment of the population, that being farmers,
20 ranchers, and their families.

21 Many of these essential products must
22 be sourced from China, because no alternatives of

1 equivalent caliber are available at price points
2 that our working class customers can afford. So
3 if List 4 tariffs are implemented, a higher cost
4 basis will inevitably result in prohibitively
5 high prices for these important products, forcing
6 American families, who have already been hit by
7 three rounds of tariffs, to do without more items
8 they really need for their safety and livelihood.

9 Therefore, we respectfully ask that
10 the Committee remove the four product categories
11 that I will discuss today from proposed List 4.

12 While we understand the
13 administration's policy goals with respect to
14 China, imposing additional tariffs on these
15 particular codes will not further
16 administration's objectives, because comparable
17 items are not manufactured in the United States
18 in significant numbers, and they do not require
19 any sensitive intellectual property or high-tech
20 manufacturing methods.

21 Putting additional tariffs on these
22 items will only strain the already tight budgets

1 of farm families. I have included photos of each
2 product category in the back of your packets.

3 First, log splitters. I testified
4 regarding removal of log splitters during the
5 Committee's List 2 hearing, and the Committee
6 welcomed, Committee's welcomed response was to
7 remove it to List 2.

8 Circumstances have not changed, and I
9 ask again that the Committee, to remove it from
10 List 4, based upon the same facts. Log splitters
11 remain a very important category for the rural
12 farmer, and stay essential to the clearing and
13 maintenance of the land, and provide a
14 substantial way to turn wood into an economic
15 heating fuel for homes and barns. I've provided
16 the backup in my written comments.

17 Tractor also requests removal of
18 flashlights, and non-electric portable heaters
19 from List 4. Because of their importance to the
20 farmers and ranchers, especially when inclement
21 weather hits, flashlights allow farmers and
22 ranchers to check on their livestock, and perform

1 their round the clock maintenance that is so
2 often necessary for these demanding lines of
3 work.

4 Portable heaters are used on a regular
5 basis to heat barns, and keep livestock alive and
6 healthy during cold spells. During weather
7 emergencies, these two products can be the
8 difference between life and death, providing a
9 dependable, non-electric source of warmth for a
10 family, and the light needed to locate a safe
11 shelter and necessary provisions in a blackout.

12 Both flashlight and non-electrical
13 portable heater technologies date back to the
14 late 1800s, and in no way relate to China's high-
15 tech priorities.

16 While certain high-end flashlights are
17 available in US manufacturing, flashlights are
18 not manufactured in the United States at a price
19 point Tractor's customers can afford. And while
20 manufacturers in other countries offer
21 competitively priced alternatives, issues of
22 quality and consistency currently exclude those

1 sources as immediate options.

2 The same is true regarding non-
3 electric portable heaters at the requisite level
4 of quality and safety at the price point that
5 Tractor Supply customers can afford is currently
6 only available from China.

7 We are years away from being able to
8 source these two products from another country,
9 so the price increase that would result from the
10 additional tariffs would leave many rural
11 Americans without affordable options, rendering
12 their jobs more difficult and hazardous on a
13 daily basis, and making it harder for them to
14 cope with weather in emergency situations.

15 Lastly, Tractor requests removal of
16 protective steel toe work boots, because of their
17 importance to farmers, ranchers, and factory
18 workers. These aren't luxury goods like sandals
19 or tennis shoes. Rather, they are indispensable
20 work equipment that working class Americans need
21 to protect themselves while performing physically
22 demanding work in hazardous settings.

1 While comparable work boots are
2 manufactured in the United States, they can cost
3 up to four times as much as the work boots we
4 currently import from China, putting them out of
5 reach for many of our hardest working citizens.

6 Additionally, there is no advanced
7 technology associated with manufacture of these
8 boots. The steel toe of the work boot provides
9 is necessary protection against a horse hoof or a
10 falling tool. By at least eliminating this
11 narrowly protected footwear category from the
12 list, you would be allowing farmers and ranchers
13 to continue to safely do their work.

14 In closing, Tractor understands United
15 States's policy goals with respect to China, and
16 we support the intentions. However, we urge the
17 Committee to exclude these four subheadings from
18 List 4, because imposing additional duties on
19 these codes will punish hardworking American
20 farmers, ranchers, and their families in rural
21 areas, while doing nothing to combat China's
22 unfair trade practices. Thank you. Glad to

1 answer any questions.

2 MR. BURCH: Thank you, Mr. Strait.
3 Our next panel witness will be Steven Stokes with
4 Propel Trampolines, LLC. Mr. Stokes, you have
5 five minutes.

6 MR. STOKES: Ladies and gentlemen of
7 the Committee, I'd like to thank you for allowing
8 me to be here today. I want to start out by
9 expressing how grateful I am to live in this
10 great country.

11 I love the United States and the
12 opportunities it gives its citizens to follow
13 their dreams and better their lives, no matter
14 what circumstances they come from.

15 Take me, for example. My father died
16 when I was very young. My brothers and I were
17 raised by our single mother, who tried her best
18 to give us what she could, and despite our
19 circumstances, we have all become contributing
20 members of society.

21 Currently, I am, I have multiple
22 people depending on me for work. They come from

1 all walks of life. Some of them are retired
2 veterans who served our country. Others are a
3 few years away from retirement. Some are in
4 school, and others are just starting small
5 families.

6 They all are very different in stages
7 of life, but they all have one thing in common.
8 They will all be affected by this tariff.
9 Actually, everyone in America will be directly or
10 indirectly affected by this tariff.

11 I keep hearing how China is paying for
12 these tariffs, but from my, from what I have seen
13 and heard and experienced, this is far from the
14 truth. For example, all of my agricultural
15 products were affected by List 2. I was forced
16 to lower my profit margins, and raise my pricing
17 to my customers to get these needed products
18 flowing.

19 Unfortunately, not everyone can just
20 raise their pricing every time there is a new
21 tariff. Many businesses and other -- my business
22 and many others have annual contracts, and many

1 products that they cannot -- I'm sorry.

2 My business has many -- my business
3 and many others have annual contracts on many
4 products, and they cannot be renegotiated during
5 the contract period.

6 Businesses that can raise their
7 pricing are doing so, and the American consumer
8 is paying for it at checkout. Products for
9 Christmas will start shipping in the next 60
10 days, and these tariffs will greatly affect the
11 affordability of these products for many American
12 families this holiday season.

13 A lot of my products are not produced
14 in America, because no one wants to make them
15 here, or the cost would be too high for the
16 average American to see the value of purchasing
17 it.

18 I understand that we need to force
19 China to play fair, by the rules of world trade.
20 However, I do not understand why we are making
21 American citizens and US-owned small businesses
22 pay for these tariffs.

1 I ask you, how is this doing any good?
2 Most small businesses run on very small profit
3 margins, and we are not able to weather the
4 storms of this trade war. If you, if you charge
5 just my companies these tariffs, it will affect
6 needed products for kids, our farmers, and public
7 safety departments.

8 If implemented, these tariffs will
9 force many small businesses like mine to close
10 the doors and leave their employees out of work.
11 As you know, small businesses are a big part of
12 what makes America great, but you must not use us
13 as pawns.

14 When this trade war with China, with
15 China is over, you just can't reset the playing
16 board, like you would do in a game of Chess, and
17 put us back in our place.

18 I plead with you to keep our employees
19 employed, and our economy growing, by not going
20 forward with the below tariffs that I've listed.
21 The list below has the HTS codes that will affect
22 me the most.

1 The first one has to do with some
2 outdoor products, and the second one has to do
3 with farming equipment, and the third one has to
4 do with safety equipment to keep officers and
5 fire departments and public work employees safe,
6 and the last one has to do with trampolines, the
7 main source of my business, and we, and what kids
8 enjoy in America. I thank you for your time, and
9 I yield the time back over.

10 MR. BHABHRAWALA: Thank you, Mr.
11 Stokes. Our next panel witness will be Ann
12 Wilson with Motor & Equipment Manufacturers
13 Association. Ms. Wilson, you have five minutes.

14 MS. WILSON: Thank you. Good
15 afternoon, and thank you for the opportunity to
16 testify today. My name is Ann Wilson, and I
17 serve as the senior vice president of the Motor &
18 Equipment Manufacturers Association, or MEMA.

19 MEMA represents 1,000 vehicle
20 suppliers that manufacture new, original
21 equipment, and aftermarket components and systems
22 for use in passenger vehicles and commercial

1 vehicles.

2 Our members lead the way in developing
3 advanced, transformative technologies that enable
4 safer, smarter, and more efficient vehicles
5 across the United States and the globe.

6 Our members range from multinational
7 corporations to small and medium-sized, locally
8 located enterprises. Vehicle suppliers are the
9 largest manufacturing sector in the United
10 States, directly employing nearly 900,000
11 Americans in all 50 states.

12 Including the indirect jobs in
13 communities across the country that depend on our
14 sector, our total employment impact is 4.26
15 million US jobs, and motor vehicle suppliers
16 contribute more than 75 percent of the value of
17 today's vehicles.

18 I am actually dismayed to be here
19 today to discuss a new set of trade restraints.
20 USTR has proposed 25 percent tariffs on \$300
21 billion of additional imports from China. Now,
22 virtually all imports from China will face a

1 large 25 percent tariff.

2 Make no mistake about it. These
3 proposed tariffs are taxed on the American
4 public. The members of MEMA are very concerned
5 about the following. One, the cumulative impact
6 on both consumers and our industry of now 550
7 billion in exports from China facing 25 percent
8 tariffs, and secondly, the ability of USTR to
9 process in a fair and expeditious manner the
10 thousands of vital exclusion requests planned for
11 Tranche 3, and presumably occurring at some point
12 for Tranche 4.

13 New Tranche 4 tariffs on motor
14 vehicles and related materials and products
15 proposed by USTR, coupled with the large scale
16 Tranche 3 tariffs, will significantly harm impact
17 on US consumers who rely on affordable parts for
18 the repair and maintenance of their vehicles.

19 Motor vehicle component, motor vehicle
20 component sensors manufacturers will also face
21 large cost increase that will be forced to be
22 passed onto these consumers.

1 Keep in mind that there is currently
2 about \$60 billion worth of deferred and
3 unperformed maintenance on passenger vehicles in
4 this country. This is everything from cracked
5 windshields, faulty mufflers, and worn brakes.

6 These proposed tariffs will exacerbate
7 this problem, causing real potential for safety
8 risk for the American public. New Tranche 3 and
9 Tranche 4 25 percent tariffs are much more
10 problematic than the previous 10 percent tariffs
11 on the 200 billion in imports from China.

12 At a minimum, MEMA respectfully
13 requests that the Tranche 4 products addressed in
14 our detailed comments be removed from USTR's
15 proposal. We also reiterate our concerns that
16 Tranche 3 tariffs, and urge their appropriate
17 exclusions.

18 MEMA member companies operate in a
19 global supply chain of domestic and international
20 suppliers and customers. However, parts imports
21 from China are only about 13 percent of our total
22 imports, less than half of what our members

1 import from Mexico, and the volume of imports
2 from China is very similar to the volume from
3 Canada, the EU, and Japan.

4 We have been contacted by what we call
5 Tier 2 and Tier 3 suppliers, often the major
6 employer in small communities across this
7 country, with concerns about the large scale 25
8 percent tariffs moving profitable companies into
9 red, precipitating bankruptcies, and posing other
10 threats.

11 MEMA strongly supports, and has for a
12 long time, supported this administration's
13 objectives, and the USTR China Section 301
14 investigation. We understand that intellectual
15 property theft, forced technology transfers, and
16 a range of other Chinese market distorting
17 practices must be eliminated.

18 However, MEMA urges USTR to reconsider
19 both Tranche 4 and Tranche 3 tariffs, as they
20 will have significant adverse impact on consumers
21 and US vehicle parts suppliers. We support a
22 much more measured approach in attaining these

1 objectives.

2 Sustained bilateral negotiations with
3 China, with pocket progress as it occurs, as well
4 as multilateral negotiations and pressure in
5 concert with our USMCA, EU, Japan, and other
6 allies, level the playing field with China over
7 the long-term. Thank you very much for you
8 attention. I'll be happy to answer your
9 questions.

10 MR. BURCH: Thank you, Ms. Wilson.
11 And Mr. Chairman, that concludes all witnesses'
12 testimonies.

13 MR. MAIER: Peter Maier from Treasury.
14 The first question is for Mr. Parrish from
15 Blount. You had already partially, you had
16 already addressed the issue that a lot of your,
17 the supply from countries outside of China is
18 primarily owned by competitors.

19 Could you talk about the other
20 alternatives for alternative supply chains coming
21 from countries outside of China, or shifting
22 production from China to other parts of southeast

1 Asia, and what other alternatives there might be
2 for your industry?

3 MR. PARRISH: Yes, thank you for your
4 question. Our two primary competitors are in
5 Europe. They have not been impacted by 232
6 tariffs as we have. We, they have not been
7 impacted by 301 tariffs, for sure.

8 There are no other bar manufacturers
9 globally, other than ourselves and these two
10 other competitors, primarily. We do not have the
11 capacity in our own facilities to increase brick
12 and mortar.

13 If we did, it would take several
14 years, as I had mentioned, and several million
15 dollars. That time passing would put us out of
16 the market and out of the business.

17 MR. MAIER: Thank you.

18 MR. SULBY: My question is for Mr.
19 Cohen. It's good to see you again, and thank you
20 for coming to another one of these hearings.
21 You've obviously testified about the challenges
22 that you face, both in prior lists and this list,

1 in terms of finding alternate supply.

2 Could you give us a sense of your
3 operations in China themselves? How many
4 employees, sort of revenue? Is it a wholly owned
5 subsidiary? Is it contract manufacturing? Just
6 an overview of sort of how your operations in
7 China work.

8 MR. COHEN: Yes, sure. It's good to
9 be back. To sort of give you a sense, so most of
10 the manufacturing in China is contract
11 manufacturing, that these are on exclusive basis
12 to Snow Joe.

13 We have a very high threshold for
14 quality standards and requirements to supply us.
15 At the end of the day, consumers react with us.
16 It's our brand, it's our reviews on Amazon and
17 our retailers that count.

18 So you know, for us, it's all about
19 the relationship and the partnership. You know,
20 we're very specific on who we choose to work
21 with, because at the end of the day, we are
22 concerned of factories sometimes taking our

1 innovation and moving it through the back door
2 and back channel.

3 But I think, you know, like I've
4 mentioned in previous testimony, it's who you
5 work with at the end of the day that's going to
6 be that true steward of a bilateral relationship
7 between vendor and supplier.

8 So for us, we have pretty good, solid
9 supply chain in China. Now, having said that,
10 we've taken this 301 investigation very
11 seriously. I've just got back from Vietnam two
12 weeks ago. I've never seen a more packed flight
13 between Vietnam and Taiwan.

14 People, when they can, are trying to
15 move production, and Snow Joe's a good example.
16 We sell garden hoses to Walmart. We make those
17 in China. We had made them in China, and we
18 started moving those to Taiwan.

19 Where we can, we absolutely will try
20 to mitigate the risk, and I think, to that
21 affect, the administration's goal is working.
22 Having said that, the more complicated tools,

1 like power tools that we're talking about today,
2 are only made in China.

3 Been to, you know, Mexico. I mean,
4 I'll give you a good example. I found one
5 supplier in Guadalajara that's willing to do it.
6 In America, none. And I asked for the bill of
7 materials of what, a sample product. 85 percent
8 of that bill of material to product the product
9 was made in China.

10 So the threshold of this 35 percent or
11 something like that to get qualified to say it's
12 made in Mexico, so that sort of is a deflated
13 exercise.

14 But in terms of the employee count in
15 China, it's about 2,000 employees that
16 collectively, through the contract manufacturers,
17 are working on our product, but also others as
18 well, for Europe and other countries that they
19 sell to.

20 MR. DIXIT: Mr. Cohen, did I hear you
21 right that you've moved some of your operations
22 from China to Taiwan?

1 MR. COHEN: Taiwan and Vietnam.

2 MR. DIXIT: And Vietnam? And so labor
3 costs are not an issue for you?

4 MR. COHEN: Aside from -- in what
5 regard?

6 MR. DIXIT: In Taiwan.

7 MR. COHEN: In Taiwan? So a lot of
8 the hose process, for example, to a degree, more
9 costly when you balance the tariff, was
10 comparable. Our volume is big, so they're
11 willing to take the business, and it's a, you
12 know, China won't get that business back. So I
13 think that's a, it's a good balance in that case.
14 But the tools, no one makes it.

15 MR. DIXIT: And --

16 MR. COHEN: Power tools, I should say.

17 MR. DIXIT: Power tools?

18 MR. COHEN: Yes.

19 MR. DIXIT: And the suppliers from
20 China, are they the same ones that are moving to
21 Taiwan and Vietnam?

22 MR. COHEN: No, these are new

1 suppliers.

2 MR. DIXIT: These are completely new
3 suppliers for the same, thank you.

4 MR. COHEN: Yes.

5 CHAIR BUSIS: Mr. Cohen, we have a
6 little extra time because we had a cancellation.
7 So I want to ask you this question.

8 MR. COHEN: Sure.

9 CHAIR BUSIS: When you first came to
10 testify, you were talking about your snow blower
11 as like a brand new product, the personal snow
12 blower. But now, I see you've, you're in these
13 really rather mature markets, lawnmowers,
14 chainsaws, string trimmers.

15 Are you, are you innovating there, or
16 how is it that you're entering all of these, with
17 a new brand, entering all of these different
18 markets?

19 MR. COHEN: That's a great, yes, great
20 question. We get it a lot.

21 CHAIR BUSIS: Okay.

22 MR. COHEN: So the customer speaks.

1 The reviews are online. I mean, for us, it's,
2 people, we get asked this question a lot. How
3 have we grown so quickly? We're a very digitally
4 native business.

5 Most of our team are probably one of
6 the few manufacturers that have over 27 full
7 staff tech developers that are on our team, all
8 based in New York and New Jersey. Consumers are
9 telling us where they're, you know, what their
10 challenged with in the products that they're
11 using in the market today.

12 Everything is moving towards cordless
13 and battery technology. We're one of the first,
14 you know, companies to produce a cordless snow
15 blower. The concept was, you know, people
16 thought we were crazy. You know, how is a
17 battery going to be powerful enough to clear your
18 driveway or your walkway?

19 Battery technology is getting there,
20 and especially in other industries like cars and
21 other larger battery capacity projects are coming
22 to market. That's opening up peoples' eyes to

1 the fact that, hey, you know what? I don't want
2 to use a gas engine anymore. We want to use a
3 battery powered product.

4 But to answer sort of your question,
5 how did we get into other categories, one, there
6 was a need, we're seeing consumers, but also, it
7 only snows a couple months of the, of the year.
8 We need something to do the other eight months,
9 and keep the, keep the team moving. So it's nice
10 to balance.

11 MR. FRATERMAN: Okay. Thank you,
12 everyone, for your testimony. Mr. Cohen, I'd
13 actually like to follow-up with a question as
14 well. In your testimony, you talked about the
15 400 people primarily in your company in the New
16 York/New Jersey area. Are these R&D? Is this
17 manufacturing? Like, sales, administrative?
18 What kind of employees do you have in this area,
19 specifically?

20 MR. COHEN: Sure. So as I mentioned
21 a few moments ago, so tech, so full stack tech
22 developers. Obviously we have a huge customer

1 service base. It's part of why our brand has
2 grown. We service the heck out of our customers.
3 R&D, art and design, marketing, sales, product
4 enhancement, user lab and user testing group
5 focus that we have. It's a big part of our team
6 in New Jersey.

7 We also have some distribution folks,
8 and we run a big e-commerce operation. But these
9 are all high-paying, high-quality jobs. People
10 love, I mean, we have a very low turnover ratio.
11 People love working with us, and we're growing.
12 We had 200 and some odd people last year. We're
13 up to 400. By the end of next year, assuming
14 there's no more headwinds in our way, we'll have
15 probably close to 600.

16 And we're proud of that. We love what
17 we do. It's just, as I mentioned, again, this is
18 just, this is tough, and I think more than
19 anything else is that now we're in the season of
20 setting, you know, we talked about chainsaws and
21 pressure washers, 2020's business.

22 That's happening now, and retailers,

1 unfortunately, waiting. They want to see what
2 happens with this investigation. They want to
3 see what happens with this meeting coming up
4 between the two presidents. Will there be a
5 deal? Will there not be a deal?

6 In the meantime, we need to keep
7 marching forward. I can't tell my team to not
8 keep hiring or not keep building or growing.
9 Otherwise, we're going to start, you know,
10 falling behind. So it's a very, you know,
11 hopefully, this comes to a swift resolution.

12 MR. FRATERMAN: Great. Thank you very
13 much.

14 MR. COHEN: You're welcome.

15 MR. FRATERMAN: Mr. Strait, could you
16 explain why it would take years to source from
17 other countries when they already have
18 manufacture competitively priced alternatives?

19 MR. STRAIT: The, I included in your
20 packets our mission and values card. There's a
21 part in there that talks about being a dependable
22 supplier. For us, part of that dependable

1 supplier is, it has to do exactly what the
2 customer expects.

3 Our customers travel about 20 miles
4 each way to our stores. Their time's really
5 tight. They, and they, if we end up giving them
6 a product, even 1 percent, 2 percent defects,
7 that can mean thousands of customers have to go
8 to the store twice. Once to exchange it for a
9 defective product.

10 So we're really, we're really careful
11 and stringent about the quality standards we do,
12 and making sure that we make it to their
13 specifications. The, what I've found, especially
14 from List 1, 2, and 3, trying to resource a lot
15 of that product, it takes quite a while, if you
16 think about our process, we first have to, most
17 things are not readily available in the kind of
18 manufacturing that we have done.

19 We have to convince a quality
20 manufacturer to invest to do it, then we, then we
21 have to make sure that, when we go through it,
22 that they're making it to the specifications that

1 we want, and the way our customer wants them, and
2 then we have to go through the testing, in the
3 field testing. And so, you know, you can do it
4 in 16, 18 months sometimes, but it's usually 2 to
5 3 years.

6 MR. FRATERMAN: Okay. And just one
7 quick follow-up, I know you mentioned the 1
8 percent defect in the alternatives. Is that an
9 approximate estimate? Has that been the case for
10 you historically, or --

11 MR. STRAIT: I was just using that as
12 an example.

13 MR. FRATERMAN: Okay.

14 MR. STRAIT: You know, we, I talk
15 about four different categories here, and carry
16 thousands of categories. In these four different
17 categories, the return rate for defects varies
18 pretty drastically.

19 But for instance, in a footwear
20 category, you may get 1 percent. 2 percent
21 would, it would be, wouldn't be surprising when
22 you retool and go to a new manufacturer, once

1 you've gotten through all the testing, all the,
2 all the investment in molds and production, to,
3 for the beginning stages, to be at 2 percent
4 instead of 1 percent.

5 It may take a year or two to refine
6 that with them. Well, that, you know, if you
7 sell a million boots, you start talking about
8 thousands of customers that have to come back to
9 the store to get their boot returned, and it's,
10 for us, that is not being a dependable supplier.

11 We try to make sure that, for every
12 one of our customers, and, you know, we hire our
13 customers as our sales associates. They care
14 about each other. They're not going to sell
15 something for us that they don't think is
16 dependable for their neighbor next door.

17 So it's a, it's an interesting,
18 different business. It's like 1,800 small
19 businesses. Each store is its own, you know, we
20 know, our store manager doesn't just know the
21 customer's name. They know their dog's name.
22 They know what they call their horse.

1 So it's a very intimate relationship
2 that they have to maintain, and all that's based
3 on quality and dependability.

4 MR. FRATERMAN: Great. Thank you.

5 CHAIR BUSIS: Yes, a follow-up. I
6 just want to investigate a little bit what you
7 talked about price points, and I think you see
8 them as rather fixed, and maybe that's not right.
9 But if you have a certain price point where you
10 need to sell a product, don't you have some
11 leverage with your Chinese producer to say, look,
12 you want to produce this for me, I need this
13 certain price point, I can't meet that price
14 point if you keep charging me the same amount?

15 MR. STRAIT: Yes, we have, in some
16 categories, we've got a lot of leverage, and
17 other categories, we have very little in
18 comparison to some of the big guys. But in every
19 case, we competitively bid out what we're doing.

20 We don't have a huge staff, so we
21 can't do it every season for every product, but
22 the, generally, we've been able to hold prices on

1 most things that we've bought up until the last
2 year or two.

3 The, and yes, we do pull that
4 leverage, and yes, some of them will, even after
5 that, be able to lower a little bit, but in no
6 cases have I gotten back on any of the List 1, 2,
7 and 3, 25 percent. That just hasn't happened.

8 We, and in some cases, we've leveraged
9 it like crazy. We've been able to resource some
10 things, but most of these, we're still waiting
11 for the development, and trying to convince some
12 quality manufacturers to invest where we need
13 them to invest.

14 We too, I spent three weeks in Vietnam
15 just recently, and I can get opening price point
16 kind of quality that our customer wouldn't like,
17 but to get them to invest to do the quality we
18 need is very difficult in most of our categories.

19 MR. DIXIT: Before I get to Mr.
20 Stokes, I wanted to ask Mr. Cohen a question.
21 You talked about business uncertainty, and the
22 way you defined sort of, and a lot of businesses

1 talk about what business cost, and uncertainty
2 associated with it.

3 When you sort of implied the certainty
4 that might be associated with it, is if the trade
5 dispute got resolved, right? So I'm trying to
6 get a better sense, how much of your long-term
7 planning is based really on the trade dispute,
8 and how much of it is just your general line of
9 expansion, because the trade, the trade dispute,
10 if there is no settlement, is that a certainty or
11 uncertainty?

12 MR. COHEN: So I got off the phone as,
13 I took the Amtrak to come here yesterday, so the
14 conversation I had with one of my major retailers
15 was, we're not releasing any Q1, Q2 spring orders
16 to you until the tariff matter is resolved, or
17 you present a substantial reduction to the cost
18 going into next year.

19 MR. DIXIT: Okay.

20 MR. COHEN: And that's, we're not
21 talking about a small program. It's \$100 million
22 program. So that's our real pressure, so I

1 don't, I don't know how to answer that buyer, and
2 that VP on the phone, but the conversation is,
3 you know, I'm here in D.C. I'm going to make my
4 best argument. I'm going to do the rounds that I
5 need to do, and I'm hopeful that there's a
6 resolution. But normally, we would've had those
7 orders already.

8 MR. DIXIT: Okay.

9 MR. COHEN: And when I have those
10 orders, I get to leverage the suppliers in China,
11 and get them to make sure the produce on
12 schedule, sometimes get better costing, and the
13 normal course of business.

14 So I think to Ken's point, he was in
15 Vietnam. You mentioned some lower opening price
16 point items. That's what we're seeing with
17 Taiwan or Vietnam. The tools, the China
18 suppliers know that there are no alternatives, so
19 they're not really moving. Yes, 2 percent, 3
20 percent, you'll get some movement. But they're
21 laughing at the fact of going to 25 percent.
22 They're just saying, no, deal with it. It's a

1 problem.

2 MR. DIXIT: And you mentioned the
3 flight to Vietnam was full.

4 MR. COHEN: Packed.

5 MR. DIXIT: Packed, okay. And I've
6 heard from other businesses, but does Vietnam
7 have the capacity to really be producing the type
8 of stuff that's in China?

9 MR. COHEN: So they're choosing, I
10 guess, the better opportunities for them. I
11 think they're also concerned. I think some
12 people you're seeing, they're like, how do we
13 know this isn't a short-term thing that you're
14 going to run right back to China once the deal is
15 potentially done? So you have to deal a little
16 bit of that.

17 Again, lower tech items, I think it's
18 a good source. I think it, and anyways, a good
19 exercise for any business to not put all your
20 production value in one location like China.

21 And again, I do think after this
22 exercise, China is going to get hurt quite a bit,

1 and those factories like me that are buyers, I
2 won't come back on some of those items. But some
3 of those items that are a necessity to be
4 produced there, right now, that's the only,
5 that's the only choice we have.

6 And again, I want to reiterate this,
7 there's nobody else. I've called dozens and
8 dozens of people once this hearing started,
9 within the US, Mexico. No one wants to build it
10 or do it, or they'll build you a component or a
11 part.

12 No one will build the full product end
13 to end. It just doesn't exist. It's, there's
14 no, it's not there. Yes.

15 MR. DIXIT: Okay. Thank you, thank
16 you.

17 MR. STEPHENS: So I have a question
18 for Mr. Stokes, you described your products
19 briefly, and trampolines, I understand, but can
20 you give a little bit more explanation about what
21 the other products are, and their uses?

22 MR. STOKES: Yes. Definitely. For

1 example, HTS code ending in 9590, it's, I do farm
2 equipment, and that equipment encompasses a lot
3 of fencing for farmers.

4 I had a lot of farmers come to me and
5 request some panels that I had made in China for
6 myself. My mustang that I adopted was breaking
7 through all the panels that I was purchasing, so
8 I, on one of my trips to China, I produced one to
9 hold my mustang in, and other people came and
10 requested it, and it turned into a business.

11 And it's a galvanized, heavy-duty
12 tubing panel to keep very aggressive animals, you
13 know, such as a mustang, when you first adopt it,
14 contained.

15 The coding in 9889, I've developed a
16 personal popup safety barrel. It's a collapsible
17 barrel that looks like the ones on the roads, you
18 know, for construction, but it collapses down to
19 3 inches, so our officers can put it in their
20 trunks. The firefighters can have it in their
21 trucks.

22 You know, people that are doing

1 utility work on the side of roads, you know, can
2 pop it up and have that extra protection. We
3 have tow truck drivers being hit, and police
4 officers, and so it's a product that doesn't
5 exist in the marketplace, and I just took it to
6 market this year.

7 And of course, 0030 is my, or, yes,
8 0030 is my trampolines, which is totally a kids-
9 based market.

10 MR. STEPHENS: Thank you. And how
11 many jobs in America are at risk from these
12 tariffs?

13 MR. STOKES: That I employ directly,
14 a little under 30, but there's a lot of indirect.
15 I have a lot of third party warehousing in
16 California, in Carson, in Cerritos, and then I
17 also have some third parties that specialize in
18 customs, duties, and brokering, and all of that
19 kind of stuff, and indirectly, you know, it's
20 probably 50 to 60 jobs that would be affected by
21 my company alone.

22 MR. STEPHENS: Thank you.

1 MR. DIXIT: Mr. Stokes, you haven't,
2 you talked about Chinese sources of imports, but
3 you haven't talked about non-Chinese sources.
4 Are there other sources besides China from which
5 you can get some of your stuff?

6 MR. STOKES: Yes, I've been looking
7 into, for the last year, and actually have
8 orders, in Vietnam, that I placed, and they still
9 haven't shipped. I placed them six months ago,
10 and they're slow with production, and the cost is
11 actually a little bit higher than what I was
12 getting from China.

13 But like I said, they still haven't
14 shipped, so I've been struggling with the
15 production being on time and shipping on time,
16 and the main reason for that is the company I
17 worked with in China for the last 10 years has
18 heavily invested in equipment, automated
19 equipment to produce my units. They've grown
20 with me.

21 Ten years ago, when I went to them,
22 the, this owner of the factory, Mr. Lou is what

1 we call him in English, but he was willing to
2 invest money and help me grow to become the
3 company we are today.

4 MR. DIXIT: Can I get back to Mr.
5 Parrish once, please? You talked about steel
6 prices going up, and you know, the 30 percent
7 cost, increases in cost for you. Steel, and this
8 was what time period, because steel prices have
9 started to come down, right?

10 MR. PARRISH: Yes, thank you for your
11 question. At the time that the 301 tariffs went
12 into place, as you all know, the steel market
13 went up significantly in the US.

14 We started a price point at around
15 \$500 a ton, prior to that. It went up to \$900 a
16 ton for our products. Our, as I mentioned
17 earlier, our two primary competitors are in
18 Europe.

19 There's really three big players in
20 this market. It's us and two others. They were
21 not impacted by that, so we really had no
22 position or ability to pass along those cost

1 increases to our customers in the US, so we
2 absorbed all those costs.

3 It's been extremely hurtful, and put
4 us in a position where we're not competitive
5 already, and these tariffs will complicate that
6 even more, and put us in a position where it's
7 putting jobs in jeopardy for our business in the
8 US.

9 MR. DIXIT: The next question is for
10 Ms. Wilson. And you mentioned in your testimony
11 that about, what, 13 percent of the parts come in
12 from China, right? Are there niche products that
13 are coming in from China, in terms of parts, and
14 can some of these be sourced from Mexico or
15 Canada also, given the tariffs?

16 MS. WILSON: I think you have to look
17 at the industry, and sort of two components are,
18 to overuse the word, but two, in two sections.
19 One is original equipment, and then the other one
20 would be in the aftermarket, and particularly in
21 the light vehicle aftermarket.

22 So if you look in the original

1 equipment piece, I think some folks have
2 mentioned this before, resourcing raw materials
3 or intermediate goods into the original equipment
4 market takes time.

5 For obvious reasons, you know, the
6 safety, the durability, all of that. It cannot
7 be done immediately. When it comes to the
8 aftermarket, for the most part, this country has
9 elected not to regulate aftermarket components,
10 so that the vast majority of your aftermarket
11 components are not regulated when you go get your
12 car serviced, and price becomes a very important
13 element of this.

14 There's been significant investment in
15 China because of that. We have a system, and I
16 know, I've testified before this Committee
17 before, talking about good, better, best, to give
18 a consumer a choice when they go to get new
19 brakes, to get new windshield wipers, anything
20 like that.

21 Think about it this way. The average
22 age of a car is about 12 years old, and so you're

1 going to choose depending on when your car's out
2 of warranty. What makes sense for you, as a
3 consumer?

4 Our industry has actually seen
5 reshoring, as we would call it, of some of that
6 manufacturing, particularly to Mexico. But this
7 has proved to be very problematic.

8 This has, you know, two weeks ago, I
9 think we really saw significant concerns in our
10 members about the long-term viability of being
11 able to bring, continue to bring components from
12 Mexico into the United States.

13 About, well, it's like two months ago,
14 we had a significant slow-down between Mexico,
15 and the border, between Mexico and the United
16 States, as far as being able to bring that in.
17 So that rush to reshore it into Mexico has slowed
18 down tremendously.

19 So all of this has led to an
20 atmosphere where, you know, I think a couple of
21 the other witnesses have mentioned this, what we
22 see going on in our industry is the compound of

1 fact of 232 tariffs on steel and aluminum, the
2 301 tariffs with the Tranche 4, the uncertainty
3 about the new NAFTA/USMCA, and the real potential
4 for obviously more tariffs on imported autos and
5 parts.

6 And you know, I know I've talked to
7 many of you many, many times, and you're probably
8 sick of seeing me and my other people like me
9 talk about this, but I cannot reiterate enough,
10 we have 1,000 member companies. I talk to CEOs
11 all the time. These kinds of tariffs are going
12 to affect the cost to consumers.

13 It's going to affect and it is
14 affecting jobs right now. Our folks are not
15 filling open jobs that they have because they're
16 not sure that at the end of the quarter, the end
17 of the year, they're going to be having those
18 components, and it's affecting investment.

19 So you're talking about global
20 companies who can decide, are we going to put
21 investment in the United States? Are we going to
22 put it in Asia, where the aftermarket and all of

1 the vehicle manufacturing is growing? Are we
2 going to put it in Europe? Which of those three
3 places are we going to put it?

4 And if they know their investment has
5 a long-term opportunity to make good in one of
6 those other two areas, they will do it, and this
7 country will suffer from this. We may not see it
8 immediately, but we will suffer from it. And
9 it's happening right now.

10 MR. DIXIT: And so what share of the
11 aftermarket comes from China?

12 MS. WILSON: What share of the
13 aftermarket?

14 MR. DIXIT: Yes.

15 MS. WILSON: I don't know. Let me
16 find out and we'll get that back to you in the
17 written comments.

18 MR. DIXIT: Yes. And I'd be
19 interested in knowing how it has changed over the
20 last --

21 MS. WILSON: Yes, and I think the
22 important thing is to keep in mind, it depends on

1 the part too.

2 MR. DIXIT: Yes. Okay.

3 MS. WILSON: So things like brake
4 rotors, those are pretty much done overseas. But
5 on the other hand, there are other things that
6 are done in the United States. It just depends.

7 But the other part to remember is,
8 this isn't just an aftermarket issue. We have a
9 heavy vehicle supplier who was in Tranche 1, who
10 was bringing intermediate motors into the United
11 States. They are very close to having to file
12 for bankruptcy, because they cannot find those
13 motors at the price that they have.

14 Door hinges. They were in the first
15 Tranche. They were taken out of the first
16 Tranche. They're back in now. You know, that's
17 a very small company in Michigan that was, they
18 came here and testified. You all listened to
19 them.

20 Door Tranche, door, I can't even talk
21 this afternoon. I'm sorry. Door hinges were not
22 in that Tranche, but they're back on the list

1 now. I mean, again, this is going to affect
2 consumers' prices, but it's also going to affect
3 jobs and investment.

4 MR. DIXIT: Thank you.

5 MR. STEPHENS: Just a follow-up with
6 Ann Wilson. I'm Andrew Stephens from the
7 Department of Agriculture, and we've been paying
8 more attention to automobile trade policy these
9 days for a couple of reasons.

10 One, the six largest exporters of
11 autos and parts to the United States are also the
12 six largest importers of agricultural products
13 from the United States in the world, but also
14 because automobiles, and particularly parts, are
15 a big presence and a big contributor to rural
16 prosperity. Can you talk a little bit about
17 that?

18 MS. WILSON: I, you know, I actually
19 find this to be one of the most fascinating
20 pieces of my job. You know, manufacturers
21 produce good jobs, and they can be the, you know,
22 central piece on a small community, but what we

1 have going on globally is a global supply chain,
2 so we will see things like sensor manufacturing.
3 That is primarily in Asia. They are not our
4 members.

5 I mean, you know, you want to yell at
6 somebody about sensor manufacturing, I bet I
7 could find somebody to yell at, but don't yell at
8 us. But what we do do in this country is we
9 bring sensors in, we program them in the United
10 States, because that's where we have our IP and
11 our IP production, then we will bring, take them,
12 they may go back out to Asia or Europe or Mexico
13 for further manufacturing, and then come back to
14 the United States for final manufacturing.

15 So each of those pieces in here
16 produces jobs. The other part that we have to
17 keep in mind is, in the world we're in right now,
18 every vehicle, whether it's farm equipment,
19 whether it's a tractor trailer, or it's your
20 personal vehicle, they are more and more
21 dependent on electrification. I'm not talking
22 about pure electric vehicles, but

1 electrification.

2 And that is, I know, one of the things
3 that you're really grappling with when you think
4 about China 2025 is, how do we kind of balance
5 this out? China's moving forward with a very
6 aggressive policy, one which we have not
7 completely embraced here, but we can't cut
8 ourselves off, because you know what's going to
9 happen?

10 China's going to set the standard that
11 our manufacturers are going to have to comply
12 with later on, because one of the most
13 interesting conversations I ever had was with a
14 very, very smart engineer from one of our
15 European companies. He said, the difference is,
16 in the past, you could make brakes for two or
17 three different standards. They didn't want to.
18 It's expensive, but they could do it.

19 They could make them in Europe, they
20 could make them in North America, and maybe
21 someplace else, to slightly different standards.
22 So the problem is, now, cars, vehicles, cars, but

1 that would go for farm equipment too, and tractor
2 trailers are so complicated.

3 Cyber security is so important,
4 privacy is so important, and the electrification
5 of it is so important. So we can't make them to
6 multiple standards. Whoever gets there first
7 with a big enough market, and with the standard,
8 it's the standard that everybody else is going to
9 have to comply with.

10 And that really should worry us, as a
11 country, because we may allow, unnecessarily,
12 China to win that battle. They'll set the
13 standard, they'll have the market, and at some
14 point, when we try to catch up with it, we'll
15 have to catch up, it'll be on their terms.

16 MR. STEPHENS: And one question for
17 David Parrish. We've heard from some other
18 panelists that one of the perhaps unintended
19 consequences is that Chinese companies will gain
20 a greater market share, because ultimately, I,
21 and perhaps maybe the internet is facilitating
22 that, that they can sell direct to retailers or

1 direct to customers. Do you see that in your
2 segment?

3 MR. PARRISH: Not necessarily in our
4 segment. We're certainly in that space as well,
5 ourselves. We're a fully integrated supply
6 chain, so our products are sourced primarily in
7 countries where we sell the product.

8 That's where we manufacture our goods,
9 that allows us to have that footprint necessary
10 to be competitive on a global basis. So I don't
11 see that as a threat to us, necessarily.

12 MR. STEPHENS: Thank you.

13 CHAIR BUSIS: We'd like to thank this
14 panel for particularly sincere and thoughtful
15 testimony, and we really appreciate it. Mr.
16 Burch, you can call the next panel, please.

17 MR. BURCH: Mr. Chairman, we release
18 this panel with our thanks, and would all of the
19 witnesses for Panel 38 make their way to the
20 front?

21 (Pause.)

22 CHAIR BUSIS: Mr. Burch, we can start

1 this next panel.

2 MR. BURCH: Would the room please come
3 to order? Mr. Chairman, would you like to make
4 introductions to the staff?

5 CHAIR BUSIS: We'll do that before --
6 when we do questions. That's a good point.
7 Thank you.

8 MR. BURCH: All right. Our first
9 witness for Panel 38 will be Hun Quach with the
10 Retail Industry Leaders of Association. Ms.
11 Quach, you have five minutes.

12 MS. QUACH: Good afternoon. On behalf
13 of the Retail Industry Leaders Association, thank
14 you for the opportunity to provide the retail
15 perspective on the administration's proposed 301
16 action.

17 My Name is Hun Quach. I serve as Vice
18 President for International Trade at RILA, a
19 trade association that represents the world's
20 largest and most innovative retail companies. We
21 account for more than \$1.5 trillion in annual
22 sales and millions of American jobs.

1 RILA has testified at every public
2 hearing warning about the impact of the
3 administration's tariffs. We've highlighted
4 specific products where, in fact, prices have
5 increased, explained the complexity of our supply
6 chains and outlined the sourcing challenges and
7 lack of availability of certain products
8 elsewhere in the world.

9 Today I'd like to focus on the
10 individual customers, from babies to grandmas
11 that would be impacted by the proposed tariffs.
12 If enacted, the average American family will
13 shell out an estimated \$2,300 in additional
14 costs. Simply stated, tariffs are a hidden tax
15 that Americans pay.

16 As I mentioned, the Tranche 4 tariffs
17 are a tax on baby essentials like car seats and
18 strollers. These items are required by state and
19 federal law, and they are amongst the highest
20 cost item for new families.

21 New safety requirements mean that
22 families cannot simply just borrow or hand down

1 these items should they become too expensive
2 because of the tariffs.

3 The Tranche 4 tariffs are a tax on
4 kids. According to the Toy Association, 85
5 percent of all toys sold in the United States are
6 imported from China, but everyone knows that toys
7 have no relationship to the Section 301
8 investigation and therefore should be removed.

9 In addition, items that kids don't
10 just want but need, like clothing and shoes, are
11 on the Tranche 4 list. We already pay, for
12 example, 64 percent tariffs on kids' canvas
13 sneakers. Adding a 25 percent tariff to that
14 would absolutely raise the price on those items
15 for American families.

16 Tranche 4 tariffs are also a pet tax.
17 When adopting a new pet, owners need items like
18 pet beds, food bowls and, of course, pet toys.
19 For many of these items there are few sourcing
20 alternatives, and thus tariffs will increase the
21 cost of owning a pet.

22 Tranche 4 tariffs are also a tax on

1 teachers. On average, teachers pay \$479 annually
2 out of their pockets for school supplies. The
3 proposed tariffs will exacerbate teacher expenses
4 on classroom essentials like scissors, crayons,
5 markers, pens and pencils. Many school supplies
6 are already subject to an additional 25 percent
7 tariff on Tranche 3.

8 Tranche 4 tariffs are also a tax on
9 college students. Last year the average cost of
10 college tuition and fees was nearly \$35,000. The
11 proposed tariffs would mean more expensive
12 freshman essentials like laptops, school
13 supplies, bike helmets, and if the student's
14 lucky, a gaming console or maybe a TV.

15 Tranche 4 tariffs are a tax on
16 homeowners who generally buy new appliances for
17 their new homes. Items like microwaves, coffee
18 makers, vacuums, other kitchen essentials like
19 cookware, cutting boards, dish towels, plates,
20 cups, forks, spoons, knives. Also hangers and
21 curtains are on the lists, too.

22 Tranche 4 tariffs are a tax on the

1 local handyman. Equipment such as drills, saws
2 and other power tools are crucial in getting the
3 job done right. The tool bag would also include
4 flashlights and batteries alongside tarps and tow
5 straps.

6 In addition to work tools and
7 steel-toed boots, the entrepreneur needs office
8 supplies like a computer and laptop and printer
9 to run the business, all of which are on the
10 tariff list.

11 Tranche 4 tariffs are attacks on
12 family reunions and holiday parties. At the
13 Fourth of July party next month in grandma's
14 backyard, you'll find many items on the tariff
15 list, from grills and smokers, food and condiment
16 containers, oil, festive decorations, outdoor
17 blankets, pillows, umbrellas and even pool
18 floats.

19 Paper plates are on the Tranche 3
20 list, but beware because switching the
21 plasticware means that you're also going to be
22 subject to a tariff. Outdoor cushions and

1 pillows, too. Taxing American families at all
2 stages of life is not the solution to changing
3 China's discriminatory behavior against U.S.
4 companies.

5 In fact, it would do greater harm to
6 U.S. economic interests. The three previous
7 rounds of tariffs have already proven this.

8 This is why RILA respectfully requests
9 the removal of nearly 780 tariff lines from the
10 proposed list of products subject to the 301
11 tariff. Several items such as TVs,
12 log-splitters, fleece fabrics, car seats and cash
13 registers were previously removed from the prior
14 tranches, which we very much appreciate and
15 should be taken off the final Tranche 4 list.

16 Americans are experiencing low income
17 and enjoying a record streak of economic growth,
18 but the risk of rising prices means lower sales,
19 which could result in layoffs and store closures.
20 The ripple effect of these tariffs will be felt
21 in every sector of the American economy.

22 The imposition of this latest round of

1 proposed tariffs would cost self-inflicted damage
2 and bring greater uncertainty to people across
3 this country in all stages of their lives.

4 We are encouraged by the upcoming
5 meeting between President Trump and President Xi.
6 We encourage and urge the administration to not
7 impose any more tariffs while the United States
8 and China are working on a negotiated agreement.

9 In conclusion, we ask that you think
10 of the millions of American families, our
11 customers, who effectively pay the price of any
12 tariff. Thank you, and I'm happy to answer any
13 questions.

14 MR. BURCH: Thank you, Ms. Quach.

15 Our next panel witness will be K.C.
16 Swanson with the Coalition of Services
17 Industries. Ms. Swanson, you have five minutes.

18 MS. SWANSON: Hi, thank you. This is
19 K.C. Swanson with the Coalition of Services
20 Industries. We appreciate the opportunity to
21 make comments today on the proposed List 4
22 tariffs.

1 Just to give you a little background
2 on the U.S.-China services trade relationship,
3 China was the second largest services export
4 market for U.S. service providers in 2017 with
5 \$56 billion in U.S. services exports and a \$38
6 billion trade surplus in services.

7 From 1999 up to around 2007 the U.S.
8 maintained a services trade surplus with China of
9 around \$1 billion, but since then exports in
10 services have really surged, rising from around
11 \$1.3 billion in 2007 to \$38 billion in 2017.

12 The steps the U.S. takes today on
13 these tariff lines will determine whether America
14 continues to lead the global market in fields
15 like Telecom, computers and other
16 Internet-connected devices or begins to fall
17 behind foreign competitors.

18 CSI members build the key
19 infrastructure that underlies U.S. cloud and
20 other technologies and services. A product
21 market that's originating in China actually
22 reflects manufacturing and other inputs from both

1 the U.S. and many other countries.

2 U.S. services providers use these
3 manufactured inputs to deliver their services
4 therefore increasing the costs of these inputs,
5 will negatively impact U.S. services providers
6 and impact on the U.S. retailers and consumers.

7 Many of the articles covered by List
8 4 are consumer items. It is not feasible for
9 U.S. companies to quickly switch production out
10 of China for these products since sourcing
11 decisions involve complex determinations and
12 evaluations of price, quality and compliance with
13 technical standards, consumer product standards
14 and ethical sourcing commitments.

15 In the short and medium term, the only
16 impact of these tariffs would be higher costs for
17 U.S. companies and consumers. Unlike previous
18 lists, the proposed tariffs will have a
19 disproportionate impact on consumers,
20 particularly low-income consumers.

21 Speaking just a little bit about
22 laptops, tablets and e-readers, tariffs on

1 laptops, tablets and other computers are a drag
2 on innovation. Raising the cost of laptops and
3 tablets will harm productivity of small
4 businesses since they may delay upgrading to
5 newer machines.

6 The impact of more expensive laptops
7 is also acute for schools and students who depend
8 on them for enhancing educational outcomes. For
9 a student today, a laptop is more a necessity
10 than a luxury good and higher prices are hardest
11 to bear for lower income students.

12 In this way, tariffs on laptops and
13 tablets exacerbate the digital divide. Augmented
14 reality and virtual reality products. Industries
15 including service-oriented ones across the U.S.
16 are just beginning to adopt AR/VR products for
17 use in advanced research, worker training, health
18 care, commerce, communications and many other
19 high value economic and social uses, advanced
20 technology products, video game consoles and
21 remote controls, mobile phones and connected
22 devices.

1 These items require an investment by
2 consumers. The majority of consumers are
3 sensitive to fluctuations in price for items like
4 video game products. Two-thirds or 66 percent of
5 consumers consider price when deciding to
6 purchase a game. An imposition of 25 percent
7 tariffs would weaken demand for these products
8 among average consumers.

9 Mitigation challenges. Targeting
10 phones and connected devices with 25 percent
11 tariffs would directly hurt the competitiveness
12 of U.S. firms across a range of industries,
13 slowing down U.S. innovation and resulting in
14 price hikes for consumers and enterprise
15 customers.

16 The primary beneficiaries of this
17 action would be competitors to the U.S.
18 technology sector in Korea and elsewhere. The
19 key challenge that U.S. producers of phones and
20 connected devices face under proposed 25 percent
21 tariffs is the difficulty of shifting production
22 out of China in line with the proposed timeframe

1 for List 4 without suffering significant economic
2 harm.

3 For example, producing a phone
4 requires cameras, displays, memory, sensors and
5 printed circuit board assemblies, as well as
6 producer-specific equipment to assemble.

7 Compelling U.S. producers of these listed devices
8 to immediately shift supply chains would be an
9 undue hardship insofar as it would throw off
10 planning efforts and sourcing for already in
11 progress production cycles and threaten profits
12 in the United States.

13 In many cases, there is no plausible
14 and commercially reasonable option for U.S.
15 producers to shift production out of China under
16 a foreseeable time horizon.

17 CSI stands ready to work with the
18 administration to address Chinese trade barriers
19 in a manner that minimizes the threat of
20 reciprocal punitive measures while acknowledging
21 the need for systemic change. I thank you and
22 look forward to your questions.

1 MR. BURCH: Thank you, Ms. Swanson.

2 Our next panel witness would be David
3 French with the National Retail Federation. Mr.
4 French, you have five minutes.

5 MR. FRENCH: Thank you. My name is
6 David French and I am Senior Vice President of
7 Government Relations for the National Retail
8 Federation. NRF is the world's largest retail
9 trade association representing all retail
10 sectors.

11 Retail is the nation's largest private
12 sector employer, supporting one in four U.S.
13 jobs, a total of 42 million working Americans.
14 Contributing \$2.6 trillion to annual GDP,
15 retailer is a daily barometer for the nation's
16 economy.

17 Thank you for the opportunity to
18 testify today regarding proposed tariffs on
19 roughly \$300 billion in Chinese goods, around 60
20 percent of which are consumer products.

21 The retail industry agrees with the
22 need to address China's unfair trade practices

1 and deliver a fair and balanced trade agreement
2 that levels the playing field for U.S. businesses
3 and workers. However, we believe tariffs are the
4 wrong approach.

5 Tariffs are taxes paid by American
6 businesses and consumers, not foreign
7 governments. We've heard from countless
8 retailers that are already feeling the impact of
9 tariffs currently in place and are alarmed about
10 the possibility of expanding tariffs to cover
11 nearly everything the U.S. imports from China.

12 Tariffs of this scope would lead to
13 higher costs for American consumers and fewer
14 jobs for American workers. In fact, according to
15 Trade Partnership Worldwide the additional
16 tariffs combined with those already implemented,
17 as well as retaliation, would jeopardize more
18 than 2 million U.S. jobs and raise costs for the
19 average U.S. family of four by more than \$2,000
20 each year.

21 The proposed tariffs covers a far
22 greater range of consumer products than the

1 previous lists, including apparel, footwear,
2 cellphones, computers, televisions, toys,
3 household appliances and cookware.

4 We also note with alarm the large
5 number of children's products, including diapers,
6 strollers, car seats, highchairs, playpens and
7 swings.

8 Forcing American families to pay more
9 for everyday products isn't the answer to holding
10 China accountable. NRF commissioned research on
11 the consumer impact of the proposed tariffs. The
12 study found that American consumers would pay
13 \$4.4 billion more each year for apparel, \$2.5
14 billion more for footwear, \$3.7 billion more for
15 toys and \$1.6 billion more for household
16 appliances because of the tariffs.

17 A TV made in China, for example, that
18 costs \$250 today would cost \$308 after the
19 tariffs are applied. These higher costs will be
20 paid by households at all income levels, but
21 tariffs are really a regressive tax that hits
22 families living paycheck-to-paycheck the hardest.

1 These are the consumers who can least afford to
2 pay more for everyday staples.

3 For most of the consumer products on
4 the list, there are very few alternative sources
5 of supply. Where alternatives exist it could
6 make years to make the shift which would most
7 likely be to countries other than the United
8 States.

9 Global supply chains are very complex.
10 Retailers engage in a lengthy process to verify
11 the potential suppliers can produce the volume of
12 products that are needed at the highest quality
13 and at a competitive price.

14 These verifications include audits to
15 ensure business partners meet various corporate
16 social responsibility, labor, environmental,
17 security and regulatory requirements.

18 The difficulty of moving sourcing out
19 of China is particularly relevant to apparel and
20 footwear. For example, sweater production
21 requires higher capital investment for linking
22 and looping equipment than for a garment that

1 just requires stitching. More importantly,
2 sweater production requires workers skilled in
3 the linking production process.

4 These capital and labor requirements
5 make it difficult to shift production outside of
6 China.

7 It would also be impossible for all
8 market participants in our industry to
9 simultaneously move sourcing to other countries.
10 The capacity does not exist.

11 Those markets that have the maturity
12 to produce these goods are already doing so. In
13 the short term, retailers would be forced to
14 continue to use Chinese suppliers and pass on
15 higher costs to their consumers, just in time for
16 the holiday shopping season.

17 Finally, the proposed tariffs will
18 have a disproportionate impact on small
19 retailers. 98 percent of retail companies are
20 small businesses and many rely on trade to stay
21 competitive in a rapidly-changing retail
22 environment while serving their local

1 communities.

2 Small retailers, which are not direct
3 importers, cannot easily move their supply chains
4 and lack the market power to negotiate with their
5 supply chains.

6 NRF respectfully requests that the
7 consumer products noted in our submitted comments
8 are removed from the proposed tariff list. We
9 support efforts to achieve better trade deals but
10 American consumers shouldn't be caught in the
11 crosshairs.

12 It's time to reevaluate a strategy
13 based solely on tariffs and work with our allies
14 to put concentrated international pressure on
15 China.

16 Thank you for the opportunity to
17 testify, and we look forward to continuing this
18 important discussion.

19 MR. BURCH: Thank you, Mr. French.

20 Our next panel witness will be Linda
21 Moore with TechNet. Ms. Moore, you have five
22 minutes.

1 Can you please turn on your
2 microphone?

3 MS. MOORE: Yes. Can you hear me now?

4 MR. BURCH: Yes.

5 MS. MOORE: Thank you. My name's
6 Linda Moore. I'm the President and CEO of
7 TechNet. We represent 82 dynamic American
8 companies ranging from startups to the most
9 iconic companies on the planet and we welcome
10 this opportunity to share our perspective today.

11 First, I want to be clear that we
12 believe China must be held accountable for its
13 anti-competitive practices, including
14 intellectual property theft, forced technology
15 transfer and cyber espionage.

16 We share the Trump administration's
17 goal of securing lasting and enforceable changes
18 from the Chinese government that will protect
19 American innovators and their ideas, allow U.S.
20 companies a chance to compete on a more level
21 playing field and improve market access.
22 Tariffs, however, are not the solution.

1 The U.S. instead should be working
2 with our allies to pressure China to change its
3 trade practices. With U.S. leadership such a
4 coalition would no doubt be robust, focused and
5 determined in achieving this shared goal. It is
6 still not too late for that.

7 However, escalating these tariffs
8 through their proposed List 4 would keep moving
9 us in the wrong direction. Tariffs are taxes
10 that hurt all Americans, consumers, workers and
11 businesses of all sizes.

12 Should the proposal List 4 move
13 forward virtually no product involved in the
14 U.S.-China commerce will have been left untouched
15 by tariffs. This includes popular consumer
16 technology products that Americans have come to
17 rely upon each day, like connected devices,
18 cameras, TVs, keyboards, video game consoles and
19 accessories, headphones, computers, smartphones,
20 watches and printers among many other things.

21 More specifically, imposing proposed
22 tariffs on laptop computers would have an adverse

1 impact on consumers, small businesses and schools
2 due to increased costs and disruptions to U.S.
3 companies' supply chains.

4 Additionally, these tariffs would not
5 remedy the problem of intellectual property theft
6 by the Chinese due to the fact that U.S.
7 companies' laptop supply chains are currently
8 optimized to protect against IP theft.

9 In addition, moving ahead with tariffs
10 on ink and toner cartridges would harm U.S.
11 technology leadership and investment while
12 inadvertently promoting intellectual property
13 theft by legitimate and lower quality products
14 more commercially attractive in the short term.

15 The administration proposed tariffs on
16 these products in the first tranche and was right
17 to remove them. They should do so once again.

18 Moving ahead on List 4 will also
19 further limit consumer choices and raise prices
20 on many other non-technology products such as
21 food, clothing, office supplies and even contact
22 lenses that American online and market delivery

1 companies are putting within easier reach for
2 U.S. consumers to enjoy every day.

3 Our message today is twofold. Do not
4 move forward with this List 4. But also take
5 stock of the negative impact this tariffs policy
6 has had to date and the further economic damage
7 another escalation would inflict.

8 Over the past year, the U.S.-China
9 trade war has led to higher prices for consumers
10 on a wide range of products, disrupted supply
11 chains, threatened long-term projects such as
12 datacenters, raised costs for small businesses
13 and shifted capital away from long-term
14 investments in R&D.

15 In the official comments TechNet has
16 filed with USTR, we have expanded on these points
17 and I would refer you to those for additional
18 information. However, I want to stress two key
19 points from that.

20 First, one of the most concerning ways
21 the ongoing trade war hurts the American
22 technology industry and our nation's long-term

1 economic competitiveness is how these tariffs
2 impact private investment in research and
3 development by reallocating capital away from
4 those efforts.

5 When all is said and done, we do not
6 know what kinds of technological breakthroughs we
7 will cede to our international competitors by
8 forfeiting investments in the next wave of
9 innovation, the very innovations we will need to
10 maintain our technological edge over China and
11 other competitors.

12 And by the time we find out, it could
13 be too late for us to catch up. R&D investments
14 not being made today will hurt our economy, our
15 workers and our global leadership role for years
16 to come.

17 The second key point is that tariffs
18 on technology are not only hurting the American
19 tech sector. Our industry's products have become
20 foundational technologies and critical
21 productivity tools for a wide range of
22 traditional industries like agriculture,

1 manufacturing, health care and other key parts of
2 our economy.

3 In conclusion, China must be
4 confronted about its unfair trade practices but
5 continuing these tariffs will have a devastating
6 impact on the long-term health of the U.S.
7 economy. We hope that President Trump and
8 Chinese Leader Xi will meet at the G20 Summit
9 later this month and make real progress to
10 resolve this.

11 In the meantime, we urge the
12 administration not to escalate this trade war by
13 moving ahead with this fourth wave. Thank you
14 again for this opportunity.

15 MR. BURCH: Thank you, Ms. Moore.

16 Our next panel witness will be Mary Jo
17 Muoio with GEODIS. Ms. Muoio, you have five
18 minutes.

19 MS. MUOIO: Thank you. Hi, my name's
20 Mary Jo Muoio. I'm a Senior Vice President for
21 Trade Services and Government Relations for
22 GEODIS U.S. I'm a personally licensed customs

1 broker, and I work to support the customs
2 brokerage services offered for GEODIS and our
3 clients.

4 GEODIS U.S. appreciates the
5 opportunity to provide comment and testimony on
6 the additional proposed Section 301 tariffs.
7 GEODIS U.S. is a service company providing
8 logistic services to international traders. A
9 key service area is customs brokerage.

10 Customs brokers are licensed by the
11 Department of Homeland Security after meeting
12 expertise and eligibility requirements including
13 U.S. citizenship.

14 Customs brokerage is a profession
15 which expertise includes tariff and customs laws,
16 rules and regulations for the clearance of
17 imported or exported goods from Customs and
18 Border Protection and other regulating federal
19 agencies, preparation of import or export
20 documents including determination of
21 admissibility requirements and computation and
22 payment of duties, taxes and other charges

1 accruing thereon for each product, each
2 importation.

3 The customs brokerage industry
4 consists of several thousand firms ranging from
5 sole proprietors to large importers -- employers.

6 While most customs brokerage firms
7 represent numerous clients from multiple sectors,
8 some brokerage companies serve as the agent for
9 one primary client and/or one primary industry.

10 The customs brokerage market is very
11 competitive and the service expectations from
12 clients are very demanding. The profit margins
13 are tight and the trend has been on price
14 reductions due to downward pricing pressure.
15 Successful businesses acting as agents for
16 clients depend on high volume repetitive
17 transactions.

18 Trade disputes between the U.S. and
19 other countries challenge those two key
20 components for successful business, volume and
21 repetition. Expansion of the trade remedy
22 tariffs to comprehensive coverage of goods of

1 Chinese origin, that is the expansion to Tranche
2 4, would exacerbate the challenges for brokerage
3 companies and impact brokerage companies of all
4 sizes.

5 As many importer interests have and
6 will comment, the expansion of trade remedy
7 tariffs to Tranche 4 will add tariff and
8 non-tariff barriers to their businesses.

9 What happens to importers happens to
10 their service providers. Indeed, previous
11 presentations in the most immediate past panel
12 specifically mentioned the downward impact to
13 customs brokers when they were questioned about
14 employment.

15 The trade remedy tariffs have a
16 consequential negative impact on customs brokers.
17 The trade remedy tariff actions increase the
18 processing time and cost for brokers when
19 preparing and filing customs entries for goods
20 subject to Section 301 tariffs.

21 Processing costs include significant
22 programming and system costs to accommodate new

1 Harmonize Tariff Schedule numbers, update
2 classification product libraries to tie specific
3 goods to the appropriate Section 301 tariff
4 number, receiving commercial invoice data with
5 the additional Section 301 information such as
6 uniquely descriptive product information to
7 identify goods which may be exempt from the
8 tariffs and the like.

9 These systems and programming costs
10 are customarily not costs which can be passed on
11 to the client. Absorbing these costs is
12 difficult. Passing these cost increases the
13 financial burden clients are experiencing due to
14 the tariffs.

15 Brokerage costs also increase for each
16 entry of goods subject to the 301 tariffs as
17 preparation time increases significantly due to
18 the need to verify critical dates, such as the
19 regulatorily accurate date of arrival of a
20 carrier, increased data input, monitoring of
21 bond, customs bond sufficiency, and dramatically
22 increased management of customs duties payments.

1 Increased complexity and increased
2 processing time erode the thin transactional
3 margins for brokers. Absorbing these costs is
4 difficult.

5 Passing increased production costs
6 onto clients may not be possible due to
7 contractual arrangement and where it is possible
8 it increases the financial burden clients are
9 experiencing due to the tariffs.

10 Thank you for your time, and I would
11 be happy to answer any questions related to my
12 testimony.

13 MR. BURCH: Thank you, Ms. Mucio.

14 Our next panel witness will be Naomi
15 Wilson with the Information Technology Industry
16 Council. Ms. Wilson, you have five minutes.

17 MS. WILSON: Thank you very much for
18 your time. It's a pleasure to be here again.
19 ITI represents over 65 of the world's leading
20 tech companies. They're the most innovative
21 companies in the world and they are largely
22 responsible for U.S. technological leadership

1 around the globe.

2 As you have heard from my colleagues
3 on this panel, the negative consequences of
4 tariffs are real and they are significant and
5 wide-ranging. At this point in time ITI
6 recognizes, of course, China's unfair practices
7 and policies; however, there is no resolution
8 currently in sight and the negative consequences
9 of tariffs and other policies continue to mount.

10 Today I'd like to focus on
11 illustrating the deleterious potential impact of
12 USTR's proposed List 4 tariffs on technological
13 competitiveness, supply chain security and
14 community access to technology that improves
15 education and health care.

16 Starting with the final products on
17 List 4, as my colleagues have also mentioned,
18 these will be of immediate and real impact to
19 consumers and their daily lives, including tools
20 that they use for both home and work. Some of
21 these business and consumer essentials include
22 computer and television monitors, print-fax-copy

1 machines, projectors, keyboards, laptops,
2 e-readers, et cetera.

3 However, focusing on emerging
4 technologies, I would like to underscore that
5 increasing cost for consumers, while a
6 significant concern, is not the only concern.
7 U.S. and multinational companies that ITI
8 represents are currently considered industry
9 leaders in innovation, leading the pack in
10 next-generation emerging technology.

11 The U.S. government has made clear
12 that it wants to address China's unfair policies
13 and practices in part to safeguard U.S.
14 technology from theft or disclosure and make sure
15 that U.S. companies maintain their competitive
16 advantage, especially with respect to technology
17 that may be valuable for national security.

18 However, U.S. and multinational
19 companies' leadership and competitive edge in the
20 tech sector is not guaranteed, especially at a
21 time when Chinese companies are becoming
22 increasingly innovative and competitive in their

1 own right.

2 While U.S. companies are still
3 generally regarded as leading in the development
4 of IoT, AI, machine learning and virtual reality,
5 the competition is increasingly neck-in-neck.
6 While companies absolutely want to level the
7 playing field in China and around the globe,
8 policies such as tariffs risk hamstringing
9 companies' competitiveness and technological
10 leadership.

11 We urge the U.S. government to
12 consider these potential unintended and long-term
13 consequences.

14 With respect to supply chain security
15 we understand that some assume that supply chains
16 can be easily rerouted to third countries or to
17 the United States. As my colleagues have
18 mentioned, this is neither cost effective nor
19 does it account for the complexity of the global
20 supply chain.

21 Moving supply lines, if and where
22 possible, takes at least 18 to 24 months. This

1 assumes that alternative suppliers exist and have
2 the capacity and skills to produce quality and
3 cost effective products.

4 Finding those new suppliers in other
5 locations is not as simple as moving to a new
6 facility, and it involves significant work to
7 navigate regulatory barriers, negotiate new
8 contracts and a plethora of other resources like
9 trained employees and local infrastructure.

10 The notion that moving production of
11 certain products or components outside of China
12 is inherently more secure, vastly oversimplifies
13 supply chain security and the steps that
14 companies already take to secure their complex
15 supply chains.

16 Companies have had years to ensure
17 that they maintain appropriate control over their
18 products and facilities at each juncture in the
19 supply chain and that experts are in place to
20 oversee these operations.

21 This is a meticulous and complex
22 effort. And assumptions that security

1 automatically improves based on shifting
2 locations is a gross oversimplification of a very
3 complex process that requires knowledge and skill
4 sets of true supply chain security experts.

5 Rerouting supply chains also diverts
6 valuable time and resources that would otherwise
7 be used to increase efficiencies in supply
8 chains, ensure implementation of the latest
9 security measures or investments in developing
10 next-generation cutting-edge technologies.

11 My last point is the effect on our
12 communities. Another unfortunate consequence of
13 List 4 would be the increased expenses and
14 reduced access to technology for basic health,
15 emergency, educational and community services.
16 This includes schools and libraries, hospitals
17 and clinics, all of which rely on ICT-enabled
18 machines and tools to provide the latest in
19 patient care and education.

20 I cite these examples in order to make
21 clear the ramifications of these tariffs. We are
22 not talking about an inconvenience for large tech

1 companies alone.

2 These tariffs will punish Americans
3 with increased costs, less access to technology
4 that enables improved health and education
5 services and will ultimately undermine U.S.
6 technological competitiveness.

7 Thank you for your time. I look
8 forward to your questions.

9 MR. BURCH: Thank you, Ms. Wilson.

10 And Mr. Chairman, this concludes all
11 witnesses' testimonies.

12 MR. MAIER: Peter Maier from Treasury.
13 My first question will be for -- am I not close
14 enough? Sure. Sorry. My first question is for
15 Ms. Quach. What steps have the RILA members
16 taken to diversify supply of imported merchandise
17 since the initial 301 tariffs took effect last
18 year?

19 MS. QUACH: Thanks so much for the
20 question. I think for our RILA members, we've
21 been taking a very close look at our supply chain
22 since the beginning of the tariff threat.

1 I would say that RILA members have not
2 been -- are under threat with these tariffs under
3 301. We've also been under threat under the
4 Section 232 steel and aluminum tariffs.

5 We've also faced tariffs on solar
6 panels that we've installed in our stores, on our
7 stores and in our distribution centers. And then
8 we've also faced tariffs on our imported washing
9 machines.

10 And so when we think about the supply
11 chain and being thoughtful about changing our
12 sourcing and our sourcing strategies, we've done
13 so for the products that make the most sense.

14 As some of my colleagues and the other
15 panelists have discussed over the last five days
16 and an additional two days next week, I think
17 that these supply chains are quite complex.

18 I think you look at products, and I
19 know that David had mentioned sweaters, cotton
20 sweaters as an example. I think the complexities
21 of things like apparel are really complicated,
22 and it's not as simple as just being able to lift

1 a factory and move it.

2 And I think Naomi also talks a little
3 bit about some of that intellectual property
4 protection that we're trying to enforce, not only
5 from a U.S. defensive perspective but also
6 encouraging other countries to pursue. I think
7 all of those types of steps are really complex.

8 So if you're looking at manufacturing
9 a shoe, for example, making sure the technology
10 that goes into the shoe that makes it faster,
11 more comfortable, better for the athlete, I think
12 those are the kinds of things that we're not
13 willing to just willy-nilly share that with any
14 new manufacturer. We want to make sure that the
15 brands are protected. We want to make sure that
16 our technology and innovation is protected.

17 So I guess in a long way of explaining
18 to you, each product has got to be a little bit
19 different. Changing your sourcing patterns for
20 things like a mug and paper plates is going to be
21 different for things like apparel to
22 log-splitters and televisions.

1 MR. MAIER: Okay. As a follow-on
2 question I just wanted to ask your opinion on
3 since the 301 tariffs apply to all imports from
4 China, how has that offered retailers leverage to
5 demand suppliers bear a share if not all of the
6 cost of the proposed tariffs?

7 MS. QUACH: Sure. And before I start
8 I want to also commend the panel for -- the
9 committee for putting together this great panel.
10 I think that we all represent different parts of
11 the global value chain and so being able to
12 highlight and sit next to our folks that are
13 providing services to our retailers, building the
14 technology that our member companies utilized, as
15 well as our customs brokers that really do make
16 trade flow on a daily basis for us.

17 They bear a lot of the questions,
18 thank you, for a lot of our member companies when
19 we're trying to answer the question, when are the
20 question what are the tariffs actually taking
21 effect?

22 So I really do commend the committee

1 for putting this great panel together.

2 I think with respect to the question
3 about leverage, look, our member companies are
4 among the largest. We represent the top
5 companies in each pillar, so when you're talking
6 about grocery, home improvement, consumer
7 electronics, apparel, we represent them all.

8 And while we have that opportunity to
9 leverage the volume and the quantity that we
10 demand from our suppliers, it's not that easy to
11 be able to say please pick up your toy
12 manufacturer in China, and please move it to
13 another country.

14 For products like stickers, for
15 example, on Tranche 2 we talked to a lot of our
16 member companies where they said, look, stickers
17 is going to take a year. For things like plastic
18 stickers, you would think that it would just be
19 something that's substitutable. You can just
20 substitute one heart sticker made in China for
21 another heart sticker made in Taiwan.

22 But unfortunately things like

1 contracts, things like logistics and
2 transportation are all factors in deciding
3 whether or not a customer or a retailer moves
4 that supply chain.

5 We've also, I was just in a
6 conversation with one of our retailers talking
7 about moving that, some of the sourcing with
8 where they have been able to move it out of China
9 to another country in the Western Hemisphere.
10 And what I heard from that retailer was our folks
11 are really, really good at transportational
12 logistics in China and in Asia.

13 But when you move it into the Western
14 Hemisphere, we have less leverage. We have less
15 experience. We have less contacts.

16 And so building that trust, building
17 that leverage, as you refer to, with new
18 suppliers is going to be a challenge. And it's
19 not something that we can penetrate on a regular
20 basis for every product across this proposal.

21 MR. FRENCH: If I could follow on what
22 Hun added, add something to what Hun said? You

1 know, leverage is -- leverage works for the
2 largest importers, but it may not work for all
3 folks in the retail community. A lot of small
4 businesses don't have that same kind of leverage.

5 The largest companies exert their
6 leverage every single day and have squeezed many
7 parts of their supply chain pretty far already
8 and are certainly trying to continue to do that.
9 But not everybody has the same amount of
10 leverage, and there's only so much of these
11 tariffs that can be pushed back upstream.

12 MR. MAIER: Thank you.

13 MR. SULBY: Ari Sulby from State, with
14 a question for Ms. Swanson. As part of this 301
15 investigation from the very beginning, CSI has
16 provided numerous examples of onerous Chinese
17 restrictions and limits on U.S. service
18 suppliers, whether in ecommerce or
19 telecommunications or financial services.

20 Could you please provide the committee
21 with a sense of the overall cost of these
22 restrictions on the U.S. service industry?

1 MS. SWANSON: I would have to check
2 and get back to you on that. I think that would
3 be very difficult to estimate because in some
4 cases there are really opportunity costs that are
5 hard to calculate.

6 I will add that China just recently
7 issued draft measures for governing the
8 cross-border transfer from China of personal
9 information, which seemed extremely rigorous and
10 seemed likely, if anything, to sort of shut down
11 the transfer of personal information out of China
12 to a large degree.

13 It's really hard to put a price tag on
14 things like that. I could sort of look. I could
15 check into it and see if I can get back to you
16 with something, but there are so many different
17 sectors covered, as you mentioned, Telecom,
18 financial services, insurance.

19 Some of those industries like Telecom
20 and insurance and banking face substantial equity
21 caps, and it's hard to put a price on the
22 opportunity cost there when you're limited to 49

1 percent or less. So it's a bit difficult to put
2 a precise number on those kinds of restrictions.

3 MR. SULBY: If I may follow up? You
4 mentioned new regulations that have occurred very
5 recently that your member companies would find
6 onerous. Are there other examples of new
7 regulations or increasing of onerous regulations
8 that you would bring to our attention? And
9 obviously, we would welcome that in a post-
10 hearing submission.

11 MS. SWANSON: Well, these are very
12 recently released and we're sort of still looking
13 at them because they deal with personal
14 information and they seem to be very sweeping.

15 They're of particular interest, but we
16 will be happy to follow up with you as we look at
17 them sort of more carefully and get more member
18 input. They were just released within the past
19 week actually.

20 MS. ZHAO: I'm Shelly Zhao, USTR.
21 This question is for Mr. French. You had
22 discussed the challenges your members face in

1 moving sourcing and finding alternatives such as
2 in the apparel sector. Similar to the question
3 we had asked of RILA, could you expand on the
4 efforts your members have taken to diversify
5 their supply of merchandise imported from China?

6 MR. FRENCH: Supply chains are
7 constantly looking for the most efficient source
8 of manufacturing. Sometimes those choices
9 involve assessing whether the capacities exist in
10 the United States, other parts of the world,
11 places where we might have free trade agreements.

12 These are decisions that every company
13 is probably making on a regular basis. Supply
14 chains have been relocating out of China over the
15 past decade or so as it is, and I think that
16 supply chains continue -- will continue to
17 accelerate those decisions.

18 But there is a general lack of
19 capacity in the rest of the world. For example,
20 48 percent -- 58 percent of the footwear imported
21 into the United States comes from China. 88
22 percent of the toys sold in the United States

1 come out of China, and 35 percent of apparel.
2 There's just not a lot of capacity in other parts
3 of the world to fill in these gaps.

4 MS. QUACH: If I could also add to
5 David's comments, I think that there are three
6 elements that I think that this committee should
7 consider. The first is the fact that our member
8 companies are constantly asking us, in the
9 question about leverage, how long are these
10 tariffs going to be in place?

11 And I think that is a critical
12 decision as to whether or not they break ties
13 with their longstanding manufacturers, suppliers,
14 vendors, logistics providers, folks throughout
15 the supply chain to determine whether or not it
16 is an opportune time to leave.

17 And if there is a sourcing opportunity
18 in another country, I think that there are some
19 questions about the stability of some of those
20 existing agreements.

21 For items like televisions, one of the
22 alternative countries could be a country like

1 Mexico, and I think given the potential for a 25
2 percent tariff on all products coming in from
3 Mexico, I think that that starts putting into
4 question whether or not it's worthwhile to break
5 those agreements with manufacturers in China to
6 simply manufacture and avoid those tariffs in
7 Mexico with the potential that those threats can
8 come back.

9 So I think that that question about
10 how long it will last and whether or not to move
11 now or later, I think, is a critical question. I
12 think that also applies to all of our free trade
13 agreement partner countries, whether it's NAFTA
14 or CAFTA or any of the other free trade
15 agreements that exists around the world.

16 The second piece is that for certain
17 products like finished apparel, you know, we've
18 talked a little bit about the penetration that
19 China has into the United States. We also note
20 that the penetration for those products coming
21 into the United States from elsewhere, not the
22 United States, I think is really key.

1 And so when we're looking at those
2 folks that are perhaps suggesting that finished
3 apparel should remain on this final list I would
4 point to the fact that they're looking to bring
5 manufacturing back to the Western Hemisphere.
6 They're not suggesting that these products are
7 going to come back to the United States.

8 And so that is a fundamental question
9 that this committee needs to consider in
10 determining whether or not it is in America's
11 economic interests, in America's consumer
12 interests, in America's national security
13 interests to put this burden on American
14 consumers and middle class American families that
15 buy, for example, apparel.

16 And then the last piece that I wanted
17 to mention is that for this administration, and I
18 think it's as they pursue this tariff strategy,
19 it is also -- it would also be very helpful if
20 the administration would consider other
21 opportunities like providing incentives,
22 utilizing programs like the generalized system of

1 preferences to incentivize some of this
2 manufacturing to leave China and work with some
3 of the developing countries that we currently
4 participate -- that currently participate in the
5 GSP program.

6 CHAIR BUSIS: And a very sophisticated
7 vertical flag, I see, so --

8 (Laughter)

9 CHAIR BUSIS: -- please go ahead, Ms.
10 Swanson.

11 MS. SWANSON: I just wanted to
12 leverage off what Hun just said and just talk a
13 little bit about the digital divide because I
14 know the administration, for example, the FCC
15 chair has talked about closing the digital divide
16 as being his number one priority. And I know
17 that that's been a bipartisan effort in Congress
18 as well.

19 And we see that as a real risk. There
20 was a PEW Center study that found that for
21 families with incomes of less than \$30,000 a
22 year, I think only three in ten owned a

1 smartphone. Less than half had a traditional
2 computer.

3 I mean, when you start layering on 25
4 percent tariffs on, you know, relatively higher
5 priced goods it's really -- threatens to push
6 those products out of reach of regular -- a lot
7 of regular consumers.

8 And we see that as a risk, too, that
9 that's obviously an unintended consequence of
10 going after China's unfair trade practices. But
11 it really looks like it's going to ricochet back
12 and hurt a lot of regular Americans at a time
13 when there's a lot of concern across the board
14 about that digital divide widening.

15 MS. LANG: Courtney Lang, Department
16 of Commerce. This question is for Ms. Moore. I
17 was wondering if you could estimate what
18 proportion of your members' products are
19 currently manufactured in China?

20 MS. MOORE: I do not know the answer
21 to that. TechNet is made up of all parts of the
22 American innovation ecosystem. We have ten

1 venture capital firms. We have startups to the
2 largest companies. And they represent all kinds
3 of products and innovation, so --

4 MS. LANG: Thank you. As a quick
5 follow-up, could you talk a little bit about what
6 factors might be relevant to sourcing products
7 outside of China? So is it just costs or are
8 there other factors that your member companies
9 theoretically would consider if they were to
10 source from outside of China?

11 MS. MOORE: Yes, and I think a lot of
12 my fellow panelists have addressed a lot of these
13 things. It's cost. It's security. It's the
14 experts that are needed to maintain security of
15 the supply chain.

16 It's a whole host of things that the
17 companies would need to go through that are
18 incredibly capital-intensive and also
19 time-intensive because maintaining the integrity
20 of the supply chain on technology products in
21 particular is incredibly important.

22 And then there's also the cost, also

1 the fact that it's important that U.S. technology
2 products be close to the markets in which they're
3 trying to sell. And we do try to sell globally
4 to remain competitive against China and other
5 overseas technology companies.

6 MS. LANG: Thank you. Just one final
7 question, kind of based on all of that then what
8 do you think the likelihood of your member
9 companies moving, you know, their supply chains
10 outside of China is based on kind of this most
11 recent tranche of tariffs?

12 MS. MOORE: Yes, very hard to say
13 based on things that already have been raised,
14 which is how long will this take to be resolved?
15 You know, are there other countries that are on
16 the list too besides Mexico that might, you know,
17 come back into play?

18 As you probably know as well as I do,
19 uncertainty is the last thing you want in
20 business. It is the thing that makes you least
21 successful because you can plan the least to
22 maintain what you want to do with your company

1 but also what your customers can expect.

2 So I think that every company is
3 doing, you know, what they feel is in their best
4 interest of their company and their customers and
5 their employees.

6 But I will say just one other thing,
7 you know, 43 percent of my members are small and
8 medium-sized companies. We do have very large
9 companies, too, but 43 percent of ours are small
10 and as I mentioned, ten of our companies are
11 venture capital firms who invest in hundreds of
12 startups who are trying to develop the next big
13 thing.

14 And so during this time when all of
15 our companies are trying to maintain their
16 competitive edge over China and other countries
17 on 5G, augmented reality, artificial intelligence
18 and all kinds of new products so that we have
19 envisioned or haven't envisioned yet, this is
20 really hurting our competitiveness.

21 And so I think that more than anything
22 we are very hopeful that President Trump and

1 President Xi can come to some sort of
2 understanding. And I know that all of you are
3 working to resolve this as fast as you can, too.

4 MS. SWANSON: If I could just add one
5 more item related to that about timing it's that
6 for some of our members who make products like
7 phones, for example, a lot of that has to be sold
8 into the Christmas period, and so it's really
9 important that those products be in development
10 and heading into mass production really by June
11 in order to meet those goals of being in stores
12 and volume by November.

13 And so for tariffs to come along in
14 short order could really disrupt U.S. companies'
15 sales volumes in a real damaging way that could
16 have kind of longer term consequences. So I just
17 wanted to flag that as an issue, too. Thanks.

18 MS. QUACH: I think in addition to the
19 items that we've already discussed and that my
20 colleagues here have already shared, I think that
21 there are a couple other elements that might
22 impact that change in sourcing. One of those is

1 capacity.

2 I know that some of our member
3 companies have had conversations with folks in
4 the administration suggesting that they should
5 just move their supply chains to other countries
6 like Vietnam. I think that capacity is a
7 significant challenge. This global competition,
8 whether it's in apparel or even home appliance,
9 tools, pet gear, food, all of this is a global
10 competition.

11 And so if we want U.S. retailers to be
12 competitive, we must find ways to give them those
13 opportunities. Putting tariffs certainly puts a
14 constraint upon that growth, not only in our jobs
15 but also the growth of our companies.

16 But when it comes to capacity, it's
17 not just something that if we leave China all of
18 a sudden we'll be able to find an opportunity to
19 manufacture those products in a country like
20 Vietnam.

21 Some of that requires expertise on
22 consumer electronics that just doesn't exist,

1 worker training. It requires a level of
2 infrastructure that we know lacks in certain
3 places.

4 We also know that from a product
5 safety perspective, items like car seats and
6 booster seats we have to go through significant
7 testing. We work with the product manufacturer
8 to ensure that when they come into the United
9 States it not only meets state and federal
10 requirements, but it also is going to keep the
11 child that's in the car safe.

12 That's something from a brand
13 reputation perspective we're not willing to take.

14 MR. FRATERMAN: Great. I'd like to
15 thank the panel again for their testimony. My
16 question is for Ms. Muoio. You talked about in
17 your testimony the operating costs of trade
18 brokerage are increasing because of the
19 additional costs incurred related to having to
20 update your tariff schedules to reflect the
21 Section 301 tariffs.

22 But isn't the need to update the

1 tariff schedules a necessary cost of business for
2 trade brokerage? And moreover, isn't maintaining
3 this database one of your value adds for your
4 customers?

5 MS. MUOIO: So absolutely, a tariff
6 classification database is a living document or a
7 living system because tariff numbers change, as
8 you well know, regularly. The challenge here is
9 that, number one, we're now adding a tariff
10 number or multiple tariff numbers to an entry
11 declaration that we didn't have to report before.

12 And it's not just a matter of kind of
13 sitting down, if you will, in front of a
14 typewriter and typing in a ten-digit number.
15 It's that the information we use to identify that
16 number and report that number starts very far
17 upstream in automated systems or automated
18 purchase orders that feed into the commercial
19 invoices that feed into the brokerage systems.

20 So it's not -- to override that is
21 costly. To go upstream and implement this
22 information is costly.

1 Finding out, you know, one of the
2 earlier panels they talked about, you know, is
3 there something unique about your clocks, more
4 unique than the tariff number that's applied to
5 those provisions.

6 That's great, except it's very
7 difficult to use common descriptions on
8 commercial invoices to meet these very specific
9 product descriptions, and therefore no is it
10 isn't it on a 301, what 301 applies and what
11 exclusion applies?

12 So yes, this is what we do for a
13 living, but this is adding a layer of complexity
14 that is not the norm.

15 MR. FRATERMAN: Okay. Quick follow-up
16 to that, in your personal experience do you find
17 that the U.S. updates its tariff schedules more
18 or less often than other countries that you serve
19 in?

20 MS. MUOIO: Yes. There are some that
21 are more frequent and some that are less
22 frequent.

1 MR. FRATERMAN: Okay.

2 MS. MUOIO: The frequency of the
3 tariff update is just fine, if you will. That's
4 normal. We're all accustomed to that. The
5 translation of that information over to Customs
6 and Border Protection and into their automated
7 system is where timing is of the essence.

8 MR. FRATERMAN: Are there certain --
9 can you just kind of give us an example of what
10 countries do update more or which ones update
11 less? Is there certain ones that stand out for
12 you? Particularly where does China kind of fall
13 on this list?

14 MS. MUOIO: I'm going to verify that
15 information and send it in a supplemental
16 testimony.

17 MR. FRATERMAN: Perfect. And just one
18 last question.

19 MS. MUOIO: Sure.

20 MR. FRATERMAN: Have the same
21 adjustments in tariff schedules been offset at
22 all by higher demand for brokerage services,

1 either to understand the Section 301 tariffs
2 products originating from China and their
3 exemptions, or as customers shift supply of
4 chains from China to other countries?

5 MS. MUOIO: So what we have seen over
6 the last year or so is an increased engagement
7 with our clients around 301 and tariff
8 strategies, conversations that started out: How
9 can I avoid the impact of the 301 tariffs? And
10 those conversations have matured into: How can I
11 mitigate the impact of the 301 tariffs?

12 So most of the engagement with brokers
13 has been around kind of consulting-type
14 conversations, which very often are provided at
15 no cost from between the customs broker and our
16 clients. It's just part of the service. You can
17 call us up. We talk to you about things like
18 that.

19 So there's increased engagement I
20 would say then with my firm for 37 years now. In
21 the last year I've talked to more CEOs and CFOs
22 around this topic than I talked to within the

1 first 36 years of my career. So there's
2 increased engagement with customs brokers. I
3 will not say there's increased revenue.

4 MR. FRATERMAN: Okay. Thank you very
5 much.

6 MS. MUOIO: You're welcome.

7 MR. SULBY: If I might ask one quick
8 follow-up on one specific part of your last
9 answer. We were talking about sort of specific
10 descriptions for products. Obviously we've been
11 doing a product exclusion process from several of
12 the tranches.

13 Did I understand correctly that those
14 exclusions, those descriptions are not working,
15 or that it's very difficult to use them in the
16 customs process? Could you expand upon that at
17 all?

18 MS. MUOIO: Where they're not aligned
19 word-for-word with the tariff description, it
20 does create a level of complexity. So anytime
21 you can describe a product exactly the way it's
22 described in the tariff schedule, it makes it

1 much easier to make the appropriate declarations.

2 MS. QUACH: I think, if I may?

3 MS. MUOIO: Sure, Hun.

4 MS. QUACH: From a product exclusion
5 process, and I will say that we are, the retail
6 industry is grateful for the administration
7 providing a product exclusion process for
8 Tranches 1 and Tranches 2. We advocated strongly
9 for Tranche 3, and we're excited that that
10 process will launch at the end of the month.

11 We are hopeful that Tranche 4 will
12 also have a product exclusion process assigned to
13 it immediately upon the announcement of any final
14 Tranche 4 tariff, which we hope never happens.

15 But to answer your question
16 specifically about the product descriptions, for
17 example, RILA filed a product exclusion request
18 for icemakers. Our product exclusion request was
19 specifically denied. However, there were
20 additional product exclusion requests made for
21 icemakers, manufacturing a specific size of ice.

22 What that now requires is those buyers

1 to go back to the manufacturer to determine
2 whether or not that specific size of ice is being
3 produced by perhaps it's ten different models of
4 ice machines. Then you determine from those ten
5 models which ones qualify and which ones don't.

6 It's not as simple as just an eight or
7 a ten-digit HTS line that we can work with our
8 brokers to exclude. We literally have to go back
9 to some of these product descriptions and sort of
10 open up the manual, which, again, we're not --
11 we're grateful to have two of our four that were
12 approved.

13 We're hopeful that there will be more.
14 Thus far there have been zero product exclusion
15 requests approved for Tranche 2.

16 So we're anxious to see what Tranche
17 3 will look like. I know the administration has
18 proposed that about 60,000 petitions will likely
19 come in. But given the volume of \$200 billion
20 worth of products, I can promise you for things
21 like handbags you're going to see a whole lot of
22 those petitions.

1 MS. MUOIO: And it's very similar to
2 the way the MTB works in terms of the
3 descriptions that we need to make entry are much
4 more specific than what's in the tariff.

5 MR. STEPHENS: I have a question for
6 Naomi Wilson. So in your written submission you
7 have two lists, one for consumer products and the
8 other for components.

9 Can you -- and maybe in a post-hearing
10 submission -- how many of any of the components
11 are on the previous list, and how many are you
12 aware of that were candidates and then were then
13 excluded?

14 MS. WILSON: I'll have to get back to
15 you specifically on if any were entered for
16 exclusion. We, ITI, have not asked for
17 exclusions on any items because our position is
18 that the tariffs in general are not an effective
19 policy, and so we don't want to advocate for
20 exclusions as a way of mitigating the impact,
21 though we fully understand why other associations
22 and retailers would do so.

1 So I will have to get back to you on
2 that, but the reason in particular that we list
3 final products and the components is to show the
4 cumulative impact on our companies and on
5 consumers.

6 It's not just when it's on a final
7 product that it's affecting the broader supply
8 chain and the company, if anything, at the
9 component level it becomes much more complex
10 because you're talking about specific junctures
11 in the supply chain and, you know, whether or not
12 you can find an alternative to that, as others
13 have mentioned, whether or not you have the time
14 and capacity to do that and all of that is time
15 away from other resources that are really needed
16 to gain and continue to have the competitive edge
17 in technology.

18 MR. STEPHENS: Thank you.

19 CHAIR BUSIS: I have a follow-up for
20 Ms. Quach. So do you have -- you testified that
21 you would prefer that 780 tariff lines be removed
22 from this proposed action. Do you have an

1 estimate of how many jobs in China are reliant on
2 producing those products covered by the 780
3 tariff lines?

4 MS. QUACH: I do not.

5 CHAIR BUSIS: Okay. And a question
6 for Mr. French. You mentioned that there's not
7 enough capacity, production capacity in other
8 countries to fill in the gaps. There's only from
9 China and not exporting. Would you -- do you
10 view that as enough demand capacity in other
11 countries to absorb the production from China
12 that would not come to the United States?

13 MR. FRENCH: Demand, I'm not sure I
14 understand the --

15 CHAIR BUSIS: Okay.

16 MR. FRENCH: -- way you're saying --

17 CHAIR BUSIS: So you're saying that
18 other countries can't fill the -- can't produce
19 what China is now producing. So now China has X
20 production. Is there capacity in other countries
21 to absorb that production of China?

22 MR. FRENCH: Are you -- I'm sorry.

1 CHAIR BUSIS: Yeah.

2 MR. FRENCH: Let me rephrase that.

3 Are you asking, is China's production that would
4 not be coming to the United States going to other
5 parts of the world?

6 CHAIR BUSIS: Would it go to some
7 other countries, or would it affect China's
8 economy for the fact that they can't sell those
9 things?

10 MR. FRENCH: I'm speculating, but I
11 presume it would find -- it would affect China's
12 economy and it would go to other countries, but
13 I'm purely speculating.

14 MS. WILSON: If I can weigh on that?
15 So I'm a China specialist by background. To
16 answer the question with respect to the impact on
17 the Chinese economy, it's important to keep in
18 mind that this is a managed economy with much
19 more tools at its disposal than the U.S.

20 The Chinese government will find a job
21 for every single person. They operate at pretty
22 much 100 percent full employment because they

1 assign people jobs for everything.

2 They literally instead of having
3 parking meters, they have people who go to your
4 car and take your ticket, not because they don't
5 have the technological or infrastructure ability
6 to do that, but in order to maintain full
7 employment.

8 And this is not even approaching the
9 discussion on how they subsidize certain sectors
10 of their economy of which you are aware, but it's
11 important to keep in mind those are tools that
12 are still at China's disposal.

13 And just by sheer numbers, to answer
14 your second question in terms of the capacity of
15 other markets, no. Other markets do not have the
16 capacity in terms of skills and tools and
17 facilities to match what China can match.
18 They're an exceptionally valuable and influential
19 market.

20 MS. SWANSON: If I could just briefly
21 add to that, too? If you take a more complex
22 item --

1 MR. BURCH: Can you speak into the
2 microphone?

3 MS. SWANSON: Sure. If you take a
4 more complex item like a phone you really need to
5 do your manufacturing in an area where there are
6 nearby suppliers that can provide things like
7 printed circuit board assemblies and sensors and
8 semiconductors and all the pieces -- complicated
9 pieces that go into the phone, which is one of
10 the complicating factors when you think about
11 taking production out of China and doing it
12 somewhere else.

13 It's not a simple kind of
14 substitution. You need to recreate the whole
15 environment around the mobile phone production
16 itself, for example. And that's very, very
17 complex and multilayered and takes a long time.

18 So when you --

19 CHAIR BUSIS: This is the question of
20 production. I was talking about demand, but
21 okay.

22 MS. SWANSON: Mm-hmm.

1 CHAIR BUSIS: I think -- any more
2 questions for this panel?

3 No? Okay.

4 Mr. Burch, this was an excellent
5 panel, thank you. You've given us a lot to think
6 about.

7 MR. BURCH: Mr. Chairman, I release
8 this panel with our thanks.

9 And would the witnesses for Panel 39
10 make their way forward?

11 (Pause.)

12 MR. BURCH: Would the room please come
13 to order? Our first panel witness for Panel 39
14 will be Heather Shepardson of Rauch Brands. Ms.
15 Shepardson, you have five minutes.

16 Will you please turn on your
17 microphone?

18 MS. SHEPARDSON: Hello, my name is
19 Heather Shepardson and I'm the chief executive
20 officer of Rauch Brands. While I'm based in
21 Seattle, Washington, our headquarters are in
22 Gastonia, North Carolina where we also have a

1 U.S.-based distribution center. Today I'm not
2 just representing my brand, but our 75 employees.

3 We began as a family business in 1952
4 selling basic glass Christmas ornaments, tree
5 skirts, and stockings. Today our goal is to
6 provide quality, affordable, Christmas
7 decorations to average Americans. We work very
8 hard every year to create a treasure trove of new
9 designs that Americans will cherish and pass on
10 to new generations for their Christmas
11 celebrations.

12 The Christmas ornaments made by Rauch
13 Brands have brought joy and happiness into homes,
14 creating everlasting traditions throughout the
15 years. We consistently hear from our customers
16 that holiday budgets are tight. As the National
17 Retail Federation found in its annual surveys,
18 the average American family spends \$60 per
19 consumer on decorations annually, and nine out of
20 ten Americans say they celebrate Christmas,
21 according to a Pew research survey.

22 My testimony will focus on subheading

1 9505.1010 which covers glass Christmas ornaments.
2 This tariff line ordinarily has a zero duty rate.
3 A tariff of up to 25 percent is unfathomable to
4 me and my colleagues in the industry, most of
5 which are also small businesses.

6 China accounts for almost three-
7 quarters of imports of this tariff line, with
8 remaining markets taken up niche producers
9 including from Europe, which make higher price
10 point ornaments usually bought by affluent
11 customers.

12 No other country has the capacity to
13 manufacture the broad array of ornaments
14 currently made in China, and certainly not at the
15 price point that most Americans can and are
16 willing to accept. We don't want to be the
17 Grinch who stole Christmas that had to raise
18 prices on Christmas ornaments in order to cover
19 the cost of this substantial tariff.

20 I also want to state something that I
21 believe the Administration appreciates. The
22 products under this subheading are completely

1 separate from those that benefit from the Chinese
2 industrial policy that you are working to change.
3 Rauch Brands supports efforts to protect American
4 intellectual property, at the same time we
5 believe including Christmas ornaments in the
6 fourth round of tariffs on China will
7 disproportionately hurt Americans and take some
8 of the joy out of the holiday seasons.

9 The Christmas season is a special
10 time. The holiday tradition brings families
11 together where everyone has a sense of belonging,
12 which is also important for children because it
13 helps them feel accepted and part of the family
14 unit.

15 Our company strives to provide
16 affordable quality decorations to help families
17 create memories and to celebrate. The top two
18 holiday traditions are buying and setting up a
19 Christmas tree, and second most is parents
20 picking out a new ornament with their children so
21 by the time their kids leave the nest they will
22 have a collection of their own. An increase in

1 the cost will limit our ability to provide these
2 new styles and designs of ornaments that our
3 customers look for every year during this family
4 shopping trip.

5 Everyone across the country is
6 following the ongoing trade dispute with China.
7 I know there are longstanding problems with China
8 and I support the Administration's efforts to
9 ensure American companies are treated fairly, but
10 my products are not high technology. They are
11 not part of any industrial plan.

12 I understand the Made In China 2025
13 program is focusing on aviation,
14 telecommunications, and computer networks.
15 Needless to say, it doesn't include Christmas
16 ornaments. I joined with other small Christmas
17 companies to find -- to file comments under the
18 Sourcing Alternatives Not Technically Available
19 Coalition, SANTA.

20 And SANTA coalition hopes that the
21 Administration will agree with us in the spirit
22 of the holidays and American family traditions

1 not to raise prices on ornaments this year. I'd
2 be happy to answer any questions you may have.

3 MR. BURCH: Thank you, Ms. Shepardson.
4 Our next panel witness will be Douglas Lauer with
5 Old World Christmas. Mr. Lauer, you have five
6 minutes.

7 MR. LAUER: Thank you. My name is Doug
8 Lauer. I'm the president and CEO Of Old World
9 Christmas and I'm grateful for the opportunity to
10 appear before you today. I find myself in the
11 company of fellow competitors in Heather and
12 Lance. Very seldom do we find ourselves on the
13 same side of an issue, but we've banded here
14 together to give you our consolidated views.

15 I traveled here from Spokane,
16 Washington to ask that you, please remove tariff
17 lines associated with glass and plastic Christmas
18 tree ornaments from the list of proposed tariffs
19 on imports from China.

20 My small 24-person operation would
21 face lost revenue, lost profit, and even fewer
22 employees, if the tariffs are put in place. Old

1 World Christmas is a small business headquartered
2 in Spokane that was founded in 1979. We take
3 great pride in supplying affordable Christmas
4 decorations to American families. Holiday
5 budgets are always a news story and I know 2019
6 will be no different.

7 I wish to focus on glass Christmas
8 ornaments imported under 9505-10-10 and plastic
9 ornaments imported under 9505-10-25, which are
10 largest segments of the Christmas ornament
11 market. These tariff lines currently face no
12 duties and for good reason. Who wants to place a
13 tax on Christmas?

14 That is why the threat of the 25
15 percent tariffs is sending shockwaves through my
16 small company and the entire industry. China
17 dominates both of these markets accounting for
18 those three -- accounting for over three-quarters
19 of all imports.

20 I can only address the impact this
21 will have on our customers and the customers of
22 small Christmas shops across the country. In our

1 written comments on these products, we joined
2 with other small businesses that import and sell
3 these products. We are all facing significant
4 financial damage that can threaten our very
5 existence.

6 We believe there are compelling
7 reasons to remove this tariff from the proposed
8 fourth round of tariffs on China. Increasing the
9 cost of celebrating Christmas will simply hurt
10 American families. Old World Christmas is
11 concerned the proposed tariffs will necessarily
12 lead to an increase in prices for Christmas
13 ornaments, which will substantially reduce our
14 volume of sales.

15 I think the Administration realized
16 the vulnerability of companies like mine in
17 asking if proposed tariffs would hurt small and
18 medium size businesses, or would hurt American
19 consumers, an extent that outweighs any benefit
20 in our ongoing dispute with China.

21 As many of this panel may be aware,
22 Christmas ornaments are often sold in small

1 locally-owned stores and boutiques across the
2 country from major metropolitan areas to tourist
3 locations. We believe that number is between 50
4 and 75,000 stores.

5 Many of my customers shop every year
6 with a limited, specific, budget to spend on
7 ornaments. A duty of up to 25 percent on these
8 imports would be devastating on U.S. small and
9 medium size businesses and retailers that sell
10 these products. Thank you again for the
11 opportunity to appear before you today and I'm
12 pleased to answer any questions.

13 MR. BURCH: Thank you, Mr. Lauer. Our
14 next panel witness will be Lance Hart with
15 DEMDACO. Mr. Hart, you have five minutes.

16 MR. HART: Thank you members of the
17 301 Committee. My name is Lance Hart, President
18 of DEMDACO. And I also am fortunate to serve
19 this year as president of the GHTA which is a
20 Major Trade Association, The Gift and Home Trade
21 Association that represents companies -- over 200
22 to 250 companies that are concerned about the

1 same products we are discussing today.

2 While it is only June, I ask for
3 members of this committee to come together in
4 spirit -- oh, thank you, sorry -- spirit of the
5 holidays and remove Christmas-related items from
6 the proposed list of items subject to a tariff of
7 up to 25 percent.

8 I'm here today on behalf of my
9 company, our 135 wonderful employees, our
10 friends, and neighbors who give us the
11 opportunity of helping them celebrate a wonderful
12 time of year, the winter holiday season.

13 As the Administration recognizes,
14 small businesses are the heart and soul of the
15 American economy. And like so many small
16 businesses, we operate on thin margins. For more
17 than 20 years, DEMDACO has sought to lift the
18 spirit in times of celebration, where comfort is
19 needed, or just to put a smile on someone's face.
20 The Christmas holiday season is a major part of
21 our business, both for Christmas and other
22 holiday-related products.

1 The hand curated gifts we develop and
2 distribute are chosen for their potential to help
3 people nurture goodness in their lives and the
4 lives of others, celebrate family and friends,
5 and encourage people to treat themselves. It is
6 a great joy to have the opportunity to work in
7 this business and my company loves this work.

8 We partner with American and
9 international artists representing a wide range
10 of styles and mediums and whose work is
11 consistent with our values. Products are curated
12 through this filter, then carefully reproduced by
13 skilled craftspeople around the world. Under the
14 DEMDACO brand product categories include gifts,
15 home decor, entertaining, fashion, baby, holiday,
16 and outdoor related products. DEMDACO also
17 maintains a partnership with artist, Susan Lordi,
18 who offers her popular Willow Tree sculptures.

19 Our major holiday-related products are
20 classified under HTS subheadings 9505-10-25 for
21 Christmas ornaments not made of glass or wood,
22 and subheading 9505-10-30, which covers nativity

1 scenes and figurines. DEMDACO products made in
2 China consist of figurines, photo frames,
3 ornaments, keepsake boxes, and other types of
4 gifts and home decor.

5 The production of our ornaments and
6 holiday accessories is dominated by Chinese
7 manufacturers. Indeed China counts for over 85
8 percent of all imports by value.

9 Small businesses, such as DEMDACO, do
10 not have the market impact or budgets to shift
11 production quickly. Thus, DEMDACO would be
12 unlikely to move production before the 2021
13 holiday season, and even that would be difficult.

14 The proposed tariffs would have
15 significant negative impact on our business,
16 limiting our company's efforts to support local
17 communities, community organizations, and
18 ultimately threaten our ability to stay in
19 business.

20 As I'm sure you appreciate, DEMDACO
21 products are far from the high tech products that
22 are in the forefront of the discussions with

1 China. There is no significance to the country's
2 strategic technology initiatives, and policies
3 related to intellectual property from my
4 industry.

5 These labor intensive goods are not
6 the type China seeks to develop in its attempt to
7 advance industries related to information
8 technology, robotics, aerospace, engineering,
9 railway, electric vehicle, power transmission,
10 medical devices, and agricultural machinery.

11 In fact, many of the factories that
12 manufacture DEMDACO products have been asked by
13 the Chinese government to move further inland to
14 make room for the above-mentioned high tech
15 production facilities, which are such a concern
16 to the U.S. and to this Administration.

17 We partnered with some of these other
18 small companies to create the Holiday Ornament
19 Holiday Occasion, or HOHO coalition, asking that
20 these and other related tariff lines be removed
21 from the final -- from the proposed list of
22 tariffs. The comment filed by this coalition

1 provides further technical information, including
2 the relevant trade data for these products. I
3 would strongly urge the committee to agree to
4 remove all tariff lines in the coalition's
5 filing.

6 Christmas is the time of year that
7 Americans yearn for symbols to celebrate the
8 season. Please do not put DEMDACO's future in
9 jeopardy and increase the cost of Christmas for
10 the average person. Thank you for the
11 opportunity to appear before you today, and I'm
12 also happy to answer any questions.

13 MR. BURCH: Thank you, Mr. Hart. Our
14 next panel witness will be Thomas Harman with
15 Balsam Brands Incorporated. Mr. Harman, you have
16 five minutes.

17 MR. HARMAN: Good afternoon. I will
18 get right to it. On behalf of American consumers
19 and my 136 colleagues, I urge the USTR to remove
20 prelit artificial Christmas trees from List 4.

21 My name is Thomas Harman. I'm the
22 founder and CEO of Balsam Brands. I'm here to

1 testify on behalf of our flagship brand, Balsam
2 Hill, American's leading specialty retailer of
3 artificial Christmas trees. You may know us from
4 the millions of catalogs we send out each year
5 via the Postal Service or from the Christmas
6 tree-themed float in the Macy's Thanksgiving Day
7 parade.

8 Every Christmas season I appear on
9 talk shows as a leading expert on Christmas
10 trees. While this is beneficial to our business,
11 it pales in comparison to the importance of my
12 appearance before you today. I am grateful to
13 the 301 Committee for the attention you're giving
14 to this matter.

15 I started Balsam Hill in 2006 from my
16 apartment. I was inspired to create lifelike
17 trees that families could enjoy year after year,
18 particularly prelit trees that free consumers
19 from the inconvenience of untangling and
20 stringing Christmas lights on their trees.

21 Since its founding in 2006, Balsam
22 Hill has grown into a thriving business that

1 employs 137 people in the U.S., virtually all in
2 well-paying white collar positions. We have been
3 growing 20 percent per year for ten years and our
4 direct employment footprint includes Idaho,
5 California, and Maryland.

6 We indirectly employ hundreds of
7 additional workers in Idaho, California, New
8 Jersey, Georgia, Missouri, and Indiana. In 2006,
9 we were honored to be named one of the 25
10 companies on Forbes' inaugural list of America's
11 best small companies.

12 Before I discuss our unique situation,
13 I want to note that I have deep personal
14 appreciation for what this Administration is
15 trying to accomplish with the proposed tariffs.
16 Before starting Balsam Hill, I was president of
17 my family's small steel wire manufacturing
18 company in Cleveland where we struggled to
19 compete against cheaper Chinese imports and
20 watched our customers move their manufacturing
21 offshore. However, the imposition of tariffs on
22 artificial Christmas trees will not further the

1 U.S. objectives in combating China's trade
2 practices.

3 Why do we believe that this cherished
4 consumer product should be removed from List 4?
5 First, 100 percent of prelit artificial Christmas
6 trees sold in the United States are manufactured
7 in China -- 100 percent.

8 If the tariffs are imposed, American
9 consumers will be forced to pay more for their
10 Christmas trees since there are no alternative
11 sources of supply anywhere in the world. For
12 context, no artificial Christmas trees of any
13 kind are manufactured in the United States today,
14 and prelit Christmas trees have never been made
15 in the United States.

16 Second, the only viable source for
17 prelit Christmas trees is China. Production of
18 prelit Christmas trees is low tech and requires
19 massive amounts of manual tedious labor. Our
20 trees typically have over 1,200 lights.
21 Stringing the lights must be done by hand and is
22 extremely time consuming.

1 The task is so low tech and
2 undesirable that as early as 2006, Chinese
3 authorities in the region where most of our trees
4 were manufactured began pressuring one of our
5 suppliers to relocate its factory to make room
6 for higher tech jobs.

7 The only known non-Chinese
8 manufacturer is a small factory remaining in
9 Thailand, which I visited. Twenty years ago
10 Thailand had a Christmas tree manufacturing base,
11 but its economy has advanced and the tree factory
12 is closed. The remaining Thai factory now
13 focuses on unlit trees for the European market,
14 and not on prelit trees.

15 Because of the huge amount of manual
16 labor required for the manufacturing and light
17 stringing processes, the need for good roads and
18 port infrastructure to transport bulky trees and
19 the large capital investment required for a new
20 tree factory, prelit tree manufacturing will not
21 move out of China in the foreseeable future.

22 Third, imports of prelit artificial

1 Christmas trees are approximately \$600 million a
2 year, merely .2 percent of the proposed 300
3 billion in List 4. Artificial Christmas trees
4 are certainly not part of the Made In China 2025
5 initiative and not of interest to the Chinese
6 government.

7 You may be wondering if switching to
8 fresh cut trees is a realistic alternative for
9 American consumers. Per Nielsen statistics run
10 annually for the past eight years, 80 percent of
11 the Christmas trees used by Americans to
12 celebrate Christmas are artificial.

13 Fresh cut trees cannot replace
14 artificial ones because it takes about ten years
15 from planting to harvesting a tree. Moreover,
16 they are outlawed in many public buildings for
17 fire safety reasons, and can trigger an allergic
18 reaction for some people.

19 In closing, not only would the
20 proposed tariffs on prelit artificial Christmas
21 trees drive up prices for American consumers, it
22 would also threaten 400 U.S. jobs and will force

1 us to scale back our business and stop investing
2 in job creation and growth.

3 This November, starting on
4 Thanksgiving weekend, over 80 million American
5 households and more than 100,000 American
6 churches will setup their artificial Christmas
7 trees to usher in the Christmas season. The
8 Christmas tree is the single most important icon
9 in American holiday celebrations and tariffs on
10 Christmas trees would hurt American consumers,
11 American workers, and the most widely celebrated
12 religious holiday in this country.

13 Please exclude prelit artificial
14 Christmas trees from Section 301 tariffs. Thank
15 you for your time and I look forward to your
16 questions.

17 MR. BURCH: Thank you, Mr. Harman.
18 Our next panel witness will be Mike Bober from
19 Pet Industry Joint Advisory Council. Mr. Bober,
20 you have five minutes.

21 MR. BOBER: Thank you very much. Good
22 afternoon. My name is Mike Bober and I'm the

1 president and CEO of the Pet Industry Joint
2 Advisory Council, PIJAC.

3 As a leading trade association for the
4 pet industry, we represent members of all aspects
5 of the companion animal -- companion animal care
6 community, from manufacturers and retailers of
7 food and products to distributors and service
8 providers. We represent small local business, as
9 well as some of the largest businesses in the
10 country and some of the largest chains around the
11 world.

12 As you might expect, there are very
13 few issues that these organizations all can agree
14 on, this is the rare exception. This list, this
15 fourth list and the previous lists that have come
16 before it, are universally problematic for those
17 of us in the pet care community.

18 It's fitting that I should be here
19 speaking before you today on national Take Your
20 Dog to Work Day. It's an observance which
21 celebrates and encourages the positive impacts
22 that our canine companions have on focus,

1 physical and emotional health in the workplace,
2 and a host of other positive benefits.

3 We play a large part in encouraging
4 pet friendly practices in corporate offices large
5 and small. A recent article indicated that
6 Amazon's headquarters in Seattle currently has
7 7,000 dogs registered to accompany their owners
8 to work.

9 Unfortunately, the current tariff
10 actions and those that have come before them are
11 far less pet-friendly. Responsible pet ownership
12 require a commitment to the health and well-being
13 of the animals with whom we share our lives. In
14 many cases, the products that American pet owners
15 purchase to fulfill that commitment come from
16 China.

17 This is especially true of products
18 under tariff line 6307.90.75 which are toys for
19 pets of textile materials. I believe the last
20 statistic I saw on that was that more than 90
21 percent of those products come from China, and
22 then plastic items such as bowls and toys which

1 are included in tariff line 3924.90.56.

2 The vast majority of these products
3 are imported from China and cannot simply be
4 replaced with similar goods from alternative
5 sources. This comes from our members who have
6 begun the process of trying to find those
7 alternatives and have been stymied, either
8 because of capacity issues in competing markets,
9 or simply a lack of an effective supply chain, or
10 resources on the ground to do that.

11 These are not the only areas in which
12 the newly proposed tariffs will impact pet
13 owners' ability to care for their companions.
14 Pet garments designed for both therapeutic and
15 aesthetic purposes, training equipment including
16 puppy pads and enclosures, and glass housing such
17 as terraria and aquaria will all be subject to
18 new tariffs that will necessarily result in
19 higher costs to pet owners.

20 When I spoke before you last August I
21 pointed out that List 3 included tariff lines
22 that covered the importation of certain live fish

1 that are unique to China. Those tariffs put
2 American importers, who are contractually bound
3 to provide the specific fish at a given price
4 point to their retail partners, in an untenable
5 situation that has had a disastrous impact on
6 their business. I hate to say it, but we told
7 you so.

8 While the live animal categories
9 included in the current list impact far fewer
10 businesses in the pet care community, their
11 impacts on those who will be affected will be the
12 same.

13 PIJAC acknowledges that the trade
14 imbalance with, and unfair trade practices of,
15 China need to be addressed and we're encouraged
16 to see that the Administration is confronting
17 these challenging issues. We wish to point out,
18 however, that the current and planned tariffs,
19 and the resultant Chinese retaliations, are
20 having a significant impact on the pet trade and
21 the two-thirds of American households with whom
22 we are partners in pet care.

1 Retaliatory trade restrictions put
2 into place by the Chinese have also impacted the
3 pet trade, and will impact the millions of pet
4 owners across the country in terms of both cost
5 and availability of animal care products. Not
6 only are we finding that these costs have
7 increased, but interactions with Chinese
8 governmental agencies and businesses have also
9 been affected and have been passed on to everyone
10 in our supply chain.

11 Both of our communities' major annual
12 trade shows have reported that participation by
13 Chinese companies has dropped significantly over
14 the last year, with trade uncertainly cited as a
15 contributing factor in these decisions.

16 Our allies in the pet food sector have
17 also indicated that discussions that seemed quite
18 promising a year ago, in terms of opening the
19 Chinese market to American pet food products,
20 have all but ground to a halt as a result of
21 these back and forth retaliatory actions.

22 PIJAC requests that the Administration

1 reconsider the inclusion of items vital to the
2 pet trade and to pet owners' responsible care for
3 their companions in this latest round of duties.
4 We've been effected by each previous round of
5 tariffs and by the result in retaliations.

6 We welcome the opportunity to discuss
7 the details further, and we will be providing
8 examples and tariff lines in subsequent
9 additional information in our testimony. Happy
10 to answer any questions you might have. Thank
11 you very much for your consideration.

12 MR. BURCH: Thank you, Mr. Bober. Our
13 next panel witness will be Paul Hunt with
14 PetSmart Incorporated. Mr. Hunt, you have five
15 minutes.

16 MR. HUNT: Thank you. Members of the
17 301 --

18 MR. BURCH: Will you please turn on
19 your microphone?

20 MR. HUNT: Thank you. Members of the
21 301 Committee, my name is Paul Hunt. I'm senior
22 vice president of sourcing and product

1 development for PetSmart. I wanted to start
2 today -- I thought Friday afternoon after hearing
3 from hundreds of witnesses we could all use a
4 therapy dog. And so, this is Chobey and Chobey
5 decided to join us as a local therapy dog.

6 Every day he works with nursing homes,
7 hospitals, schools, and all the -- and all his
8 needs PetSmart sells. Sadly, Chobey and his
9 owners, along with pet parents across the
10 country, are facing an increase to prices
11 necessary for their pet products due to these
12 proposed tariffs.

13 Thank you for the opportunity to
14 appear before the committee today. I am here,
15 not only on behalf of PetSmart, but also the
16 millions of pet parents across the country.
17 PetSmart is the largest pet specialty retailer of
18 services and solutions for the lifetime needs of
19 pet. At PetSmart, we love pets and we believe
20 pets make us better people.

21 We are concerned the proposed tariffs
22 on basic pet needs will raise the cost of pet

1 ownership. As we know with Chobey, pet ownership
2 has tangible benefits as it relates to stress,
3 happiness, general health, and well-being of
4 families, children, seniors, and veterans. It's
5 our hope that this positive impact on Americans
6 and their pets will persuade the Administration
7 to remove certain pet items from the proposed
8 list.

9 PetSmart strongly supports the fair
10 treatment of U.S. companies as they do business
11 in China, and with other trading partners.
12 However, PetSmart is concerned that the
13 Administration's efforts to address these valid
14 concerns regarding Chinese practices has begun to
15 financially impact majority of American
16 households that own pets, due to the increased
17 cost for basic products.

18 We understand, given the scope of the
19 proposed action, that you cannot remove every
20 tariff line impacting PetSmart. As such, we are
21 not requesting that every impacted product
22 relevant to our business be removed from the

1 list. Instead, after careful consideration we
2 request the exclusion of five tariff items
3 related -- tariff lines related to certain pet
4 care products.

5 PetSmart selected these tariff lines
6 based on overall dollar impact to our customers
7 and because these items are essential for the
8 health and safety of pets. Our plastic water
9 bowls fall under the first exemption we request,
10 which is 3924.90.5650.

11 PetSmart imports a range of basic
12 consumer products necessary for pet ownership
13 under this line of plastic items, including pet
14 toys, bowls for food, water, aquariums,
15 accessories, liter pans, and scoops. Each and
16 every pet parent will purchase an item under this
17 tariff line. China dominates this sector with
18 over 75 percent of all the imports.

19 As any puppy owner knows, puppy pads
20 are also an essential product for puppies that
21 are being trained, as well as dogs that live in
22 apartment buildings. Our second requested

1 exemption is tariff line 4818.90.0000. The
2 Administration understood our past request for
3 the exemption of puppy pads as it was originally
4 considered for List 3 but was removed. We would
5 ask that it again be removed.

6 Our third exemption request is for
7 textile pet toys, tariff line 6307.90.7500. This
8 tariff line includes many popular textile pet
9 toys for dogs and cats including some of our most
10 popular items. Pet toys are purchased by dog and
11 cat owners to occupy the attention of their pets
12 and allow the pet owner and the pet to play
13 together. This product is almost completely
14 controlled by China, with 98 percent of all
15 imports.

16 As one of our highest tariff line
17 items or pet retailers, we request the exemption
18 for tariff line 6307.90.9889, which includes pet
19 beds and carriers. These items are necessary for
20 comfort and transport of pets throughout their
21 life. China supplies three-quarters of all these
22 products to the United States.

1 Many of Americans think about cats and
2 dogs when they think about PetSmart, but we also
3 provide products for specialty pets, such as
4 birds, fish, reptiles. As such, we request an
5 exemption for tariff line 7013.99.9000. This
6 line includes glass aquariums and terrariums.
7 Our fish, lizard, and reptile pet parents will
8 agree, these products are absolutely necessary
9 for the ownership of this pet category.

10 The proposed tariffs will almost
11 certainly result in widespread cost increases to
12 nearly two of every three households that own a
13 pet. While the overall potential tariff impact is
14 much greater to PetSmart and our pet parents
15 across the country, these five line items
16 constitute the largest impact to our consumers,
17 while being essential to the benefit of owning a
18 pet.

19 We respectfully request these
20 exemptions for these five line items on behalf of
21 millions of pet owners across the U.S. We see
22 the value in the human animal bond and we want a

1 world where there is more pets like Chobey. A
2 higher cost of pet ownership creates a barrier to
3 this unconditional love that only a pet can
4 provide. Thank you very much and I'm happy to
5 answer any questions.

6 MR. BURCH: Thank you, Mr. Hunt. And,
7 Mr. Chairman, this concludes all witnesses'
8 testimonies.

9 MR. TSAO: We have some new committee
10 members joining this particular panel. At this
11 time, I would like to ask them to introduce
12 themselves. I'll start with myself, Arthur Tsao,
13 USTR.

14 MS. Smith: Hi. My name is Tanya
15 Smith from Small Business Administration.

16 MS. Huang: Jessica Huang, U.S.
17 Department of Commerce.

18 MR. MAIER: All right. Peter Maier
19 from Treasury and I'll go ahead with my question.
20 My question -- first question is for Heather
21 Shepardson of Rauch Brands. Can you elaborate on
22 why you believe China is uniquely capable of

1 producing glass Christmas ornaments that suit
2 your price and quality needs?

3 MS. SHEPARDSON: Yes. So, as an
4 example, here is an ornament made in China. The
5 technical capability -- you need to have a
6 glassblowing machine, you need to have a insert
7 that creates the reflector, need to have skilled
8 painters to paint all the glitter lines. So, you
9 need equipment, you need skills to be able to do
10 this.

11 Every time we try to source somewhere
12 else, it can take two years to onboard a new
13 factory in China. So, going to a new country or
14 try to bring it here, it's possible but it would
15 be, you know, at least 10 to 50 times the cost.

16 I personally have a unique experience
17 because, while we make ornaments in China, we
18 also make ornaments in Poland. Our ornaments in
19 Poland, in order to cover the costs of
20 manufacturing in Poland, retail for \$60 apiece.
21 This ornament retails for roughly \$7. So, all of
22 our ornaments that are in the middle market -- or

1 the market that's accessible to most Americans
2 which are made in China will now become more
3 expensive, or if my other choice is to move them
4 they become very expensive.

5 So, I don't have significant options
6 to move my production elsewhere. We have looked,
7 but so far we haven't come up with a good
8 alternative that will meet the needs of, you
9 know, making these types of ornaments at what we
10 would call an acceptable price point for the
11 average American, which is roughly between 5 and
12 \$14 per ornament.

13 Sometimes we make a box of ornaments
14 with, you know, really tiny ornaments that might
15 retail for \$5, you know, for 20 of them, but on
16 average it's between \$5 and \$12 for these types
17 of ornaments.

18 MR. MAIER: Thank you.

19 MS. SHEPARDSON: You're welcome.

20 MS. SMITH: My question is for Douglas
21 Lauer, Old World Christmas.

22 Good afternoon.

1 MR. LAUER: Hello.

2 MS. SMITH: What portion of the glass
3 and plastic Christmas ornaments that you sell
4 come from China?

5 MR. LAUER: 100 percent.

6 MS. SMITH: Are there other potential
7 sources for these products?

8 MR. LAUER: We had a supply chain
9 risk, in that we were buying very large
10 percentage of our business from one factory in
11 China, so to eliminate some of that risk we
12 needed to find some new factories. And I decided
13 to also go further and eliminate that risk of
14 only being in China.

15 So, I spent a substantial amount of
16 time in Cambodia and Vietnam looking at
17 factories, hired an agent to take me around to
18 factories, we got samples made. Not only were
19 their prices higher, infrastructures are
20 difficult, you know, getting products to port,
21 but also the quality wasn't nearly what we
22 needed, and the prices were higher because it was

1 taking them longer to manufacture.

2 Prior to that, 25 years ago, we made
3 products in Germany. We were interested in
4 having a lower price point. We spent two and a
5 half years with our China factory teaching them
6 how to manufacture and the result of that was we
7 offered a low product to the consumer, we gave
8 more margin to our retailers, and we were more
9 profitable ourselves.

10 MS. SMITH: Thank you.

11 MR. FRATERMAN: Thank you, everyone,
12 on the panel for your testimony. My question is
13 for Mr. Hart. In your testimony you mentioned
14 that China accounts for 85 percent of all the
15 imports by value of the products in question.
16 Where do the other 15 percent come from?

17 MR. HART: Well, they come from -- for
18 us primarily they would come from India. We're
19 about 90 percent China and 10 percent India.

20 MR. FRATERMAN: Ninety percent China,
21 10 percent India? So, there is no domestic
22 production then, correct?

1 MR. HART: Not for us, no.

2 MR. FRATERMAN: Okay. Would there be
3 any possibility for domestic production or is
4 that not possible?

5 MR. HART: Well, I think there are
6 some in our industry, but it's very minimal. For
7 us we've, in the past, had an experience trying
8 to look for domestic manufacturing and it never
9 materialized, so -- and we've never been able to
10 make it competitive.

11 MR. FRATERMAN: Great, thank you.

12 MR. TSAO: I have a follow-up question
13 for that Christmas ornament industry. How large
14 is the U.S. market for your Chinese suppliers?
15 In other words, are we their largest market for
16 Christmas ornaments or do they actually ship to
17 Europe or other countries as well?

18 MR. LAUER: The factories -- some
19 factories will specialize in design or art for
20 European countries, which has a different look
21 than the American market. Most of the factories
22 that we're now in, probably 75 percent upward is

1 for the U.S. but they also manufacture for Europe
2 and maybe Australia. But hardly any of our
3 factories do any local domestic China business.

4 MR. TSAO: If that's the case -- I mean
5 what, if any, actions have your suppliers taken
6 in response to any proposed tariffs? Anybody?

7 MS. SHEPARDSON: So, we -- obviously
8 with the tariffs coming, we've been trying to
9 price negotiate with them in order to get our
10 costs down so we can, you know, live through the
11 next nine months and see what happens after that.

12 But in discussions with them about
13 what are you guys doing to do, their only choice
14 is to try to find another country in which to
15 bring their skill set to and open a factory.

16 But, you know, that means starting from
17 scratching building a factory, investing the
18 capital, training people or moving people. I
19 mean, that is at least a two-year proposition
20 that we're talking about -- at least.

21 I mean, to me that seems like it would
22 be fast, but our -- we make about 100 million

1 ornaments in China a year, like single ornaments.
2 And so, we have roughly core -- four core
3 factories and we've been having discussions with
4 all four of them about what their plans are.

5 And some of their plans is just to
6 close shop, find something else to do, because we
7 recently had a \$1.5 million order that I said if
8 you don't give me a better price on I'm going to
9 not -- I can't do the order because I don't have
10 enough margin to cover the tariff at the cost
11 that they were giving me because my customer
12 wasn't willing to take a price increase.

13 And they -- the best they could do was
14 a 5 percent price reduction otherwise they
15 weren't interested. So, I mean we're talking big
16 numbers to a factory and everyone is pushing as
17 hard as they can and there's nowhere else to go -
18 - so closing.

19 MR. LAUER: Over the last couple years
20 we've had challenges with getting the prices that
21 we used to get anyway out of China, materials,
22 labor, we won't do business with factories that

1 aren't trying to comply with the environmental
2 standards in China. Our main factory is up north
3 near Beijing. Or we won't use any factories that
4 aren't compliant from social needs and labor
5 rates.

6 We do that because we have a
7 conscience, but we also have customers that will
8 audit. So, over the last two years we've been
9 getting price increases and we've been getting
10 some flak from our customers who have said,
11 you're starting to hit the top end of the price
12 point. And so, this tariff is going to make it
13 25 percent more and we're going to lose units.

14 MR. HART: I was going to add, too, to
15 that, that, you know, the Chinese manufacturers -
16 - we have about 100 manufacturers that we work
17 with for a different breadth of product. We have
18 about 4,700 products. And, you know, the Chinese
19 economy is -- you guys are well aware of this I'm
20 sure, but they're building a middle class in
21 labor. A lot of the younger people are not --
22 are migrating out of the factory environment.

1 So, they're having challenges with that.

2 But when we've gone back to them --
3 there's three things that I might mention in
4 addition to my colleagues. We've talked to them
5 about the currency -- because of the currency
6 depreciation in China they've been willing to
7 give us some concessions on that, because it's
8 depreciated 10 percent over the last year or so.

9 They've certainly given us some
10 pricing concessions especially since we went from
11 -- or it's been talked about going from 10 to 25
12 percent, because they know their business on some
13 of our larger suppliers and partners is at
14 jeopardy.

15 And then, one particular manufacturer
16 that we've talked to for one of our major lines
17 has said -- because we've talked to them about we
18 would need to look at Vietnam or Thailand or some
19 other countries to produce this resin product in
20 particular. And they're willing to actually go
21 to other countries and help teach the skill set,
22 the painting on this particular product which is

1 very complicated. So, that's a couple of the
2 things they're doing.

3 MS. ZHAO: My question is for Mr.
4 Harman. You mentioned in your testimony a
5 factory in Thailand that focuses on non-lit trees
6 for Europe. Does it also produce prelit trees?

7 MR. HARMAN: Yes. The factory in
8 Thailand produces some prelit trees for the
9 European market with lights that they import from
10 China, but it's -- the challenge for importing to
11 U.S., it's a very small factory that could maybe
12 support 5 percent of our products that we import
13 and we're a small percent of the overall
14 artificial Christmas tree market.

15 MS. ZHAO: So, to your knowledge, does
16 that have enough capacity to increase production
17 to fill your demand, five percent?

18 MR. HARMAN: I don't think so. So,
19 the -- I've been to the factory, I've toured it.
20 It's an industrial park and it's surrounded by
21 other brands, American brands, that we've heard
22 of actually. Perhaps they would be able to

1 source more land somewhere else near a port in
2 Thailand and expand over time.

3 But, again, right now they're such a
4 small percentage of even just our -- of our
5 needs, that they would have a hard time
6 fulfilling any meaningful part of U.S. demand
7 that's greater than, say, 2 percent, 3 percent
8 even if they expanded 10 or even 50-fold.

9 MS. ZHAO: And, to you knowledge, do
10 you know of perhaps other viable sources for
11 prelit trees?

12 MR. HARMAN: I personally -- so, Balsam
13 Hill sells Christmas ornaments, millions of
14 dollars in Christmas ornaments and many other
15 Christmas products and I have traveled all over
16 the world sourcing in Europe, in the Philippines,
17 in India and Thailand and Vietnam and China and I
18 have not found any other place that we believe
19 could make the trees.

20 Mexico may be a possibility. There is
21 one Chinese supplier that's opened in Mexico and
22 our team has checked that factory out and

1 determined that they are far below our quality
2 production standards, so maybe over many years
3 they may catch up. So, it is, I think, a big
4 challenge.

5 One of our major suppliers of
6 Christmas trees has sent a delegation to several
7 neighboring countries to try and figure out if
8 they could move production there, looking at
9 countries like Cambodia and Vietnam.

10 And because, again, you know, I think
11 as a good visual prop, it is such a labor
12 intensive thing to put Christmas lights strung on
13 the trees and they go out the branch and they get
14 clipped on and they go out the next branch, they
15 come back in. I mean, it would take me about two
16 hours to string the lights on a tree. There are
17 massive amounts of labor that are needed to do
18 these.

19 It's a handy craft with over 10,000
20 workers doing this in China. And there is so
21 much pressure right now in countries like
22 Cambodia and Vietnam from these tariffs that

1 taking this low value work -- the workers are
2 already going to other industries.

3 So, they feel like -- one of the
4 factories I spoke to when I asked what their
5 plans were, they said they'll fulfill orders at
6 the prices that they have now and if they don't
7 get orders they'll close, which was shocking to
8 me but that's the reality of where we are as an
9 industry in artificial Christmas trees.

10 I will add, I think for unlit
11 artificial Christmas trees there is -- we could
12 get those from Thailand and perhaps other places,
13 but once you get to the labor of putting the
14 lights on that's where the real challenge comes
15 in. And that's why we're specifically asking to
16 exclude prelit artificial Christmas trees. We're
17 trying to be as narrow and focused as possible.

18 MS. HUANG: Thank you for your
19 testimony. My question is for Mike Bober of the
20 Pet Industry Joint Industry -- Joint Advisory
21 Council.

22 In your testimony you mentioned your

1 members experience with finding alternative
2 sources for products under 6307.9075 and
3 3924.9056, and the difficulties they face with
4 capacity limitations and limitations with
5 resources on the ground amongst other issues.

6 Can you elaborate more on their
7 experience if they looked at domestic sourcing,
8 and also if they were able to research how long
9 it would take to build capacity at the sources
10 they were looking at?

11 MR. BOBER: I can certainly go back to
12 my members and try to get more complete anecdotal
13 reports on these things. I can tell you that
14 what they told to me in preparation for this is
15 that they had explored a number of sources, both
16 domestic and foreign.

17 Domestic sources always had a
18 significantly higher price point. Foreign
19 sources problems ran everything from capacity
20 shortages to delivery delays to just general
21 product quality standard concerns.

22 I can certainly request more specifics

1 for you if you'd like them and turn them around
2 to you, but from the general feedback that I got
3 from my members the complaints pretty much run
4 the gamete of everything you've heard today.

5 And, in a lot of cases, because these
6 are lower value, lower price point products they
7 tend to fall further down the pipeline when they
8 are being put up against competing higher value
9 opportunities for some of these alternative
10 markets.

11 MS. HUANG: Thank you.

12 MR. STEPHENS: My question is for Paul
13 Hunt from PetSmart. And I just want to say to
14 the rest of the panel is I'm a fan of Christmas,
15 but I've been trying to explain the relevance of
16 these hearings to my teenage children and when I
17 tell them that Chobey, the therapy dog, was here
18 my 18-year-old daughter will be very interested.

19 By my question is, for each of the
20 products you specified in your testimony there is
21 at least some production outside of China. Can
22 you describe the feasibility of increasing

1 production of those products from other
2 countries?

3 MR. HUNT: Yeah. So, we have spent a
4 lot of time -- I have the pleasure of leading a
5 global sourcing team, and so we have since, gosh,
6 over a year ago been working to drive production
7 into different areas and I would tell you we are
8 constantly evaluating sourcing. And it's very
9 different for different categories.

10 The expertise to make a plastic bowl
11 is very different than that of cut and sew. And
12 so, we have to look at each one of those
13 categories individually and understand them
14 individually for their merits. And currently we
15 actually -- I think this is going to your
16 question.

17 We are diversifying our sourcing. We
18 actually are importers of record from seven
19 different countries now. So, we have been
20 actively moving that where possible, but I would
21 tell you our experience is very consistent with
22 the experience you heard from the Christmas tree

1 industry or the Christmas industry.

2 It's, you know, moving the scale of
3 product that we have to move is pretty much
4 impossible in the short-term. And so, it takes
5 years to setup the infrastructure and the supply
6 chain, whether you're talking about an ornament
7 or a plush doll, to get the quantities that we
8 need at the price.

9 MR. STEPHENS: Thank you.

10 MR. BURCH: MR. Chairman, we release
11 this panel with our thanks. Would all witnesses
12 from Panel 40 make their way to the front?

13 (Pause.)

14 Would the room please come to order?
15 Mr. Chairman, this is the last and final panel
16 for today and the first panel witness will be
17 Marty Thomas with Moen Incorporated. Mr. Thomas,
18 you have five minutes.

19 MR. THOMAS: Mr. Chairman and members
20 of the committee, my name is Marty Thomas, Senior
21 Vice President Supply Chain of Fortune Brands
22 Home & Security, which is the parent company of

1 Moen Incorporated. Moen is one of the world's
2 largest manufactures of plumbing supplies,
3 including the leading faucet brand in North
4 America.

5 We're a proud employer of 2,500 U.S.
6 employees. On behalf of those 2,500 U.S.
7 employees, I'm here to explain why the USTR
8 should remove specific faucet components from the
9 proposed list of products subject to additional
10 tariffs under Section 301.

11 I have two main arguments today.
12 First, these components cannot be produced
13 anywhere else other than in China. We know this
14 because we've been actively searching for
15 alternative suppliers outside of China for over
16 the last year. For reasons I will explain later,
17 they simply do not exist.

18 Second, these components support our
19 U.S. manufacturing presence and are critical to
20 our U.S. employees. This is unfortunately the
21 second time we're appearing in front of the panel
22 on the exact same components that were previously

1 removed from List 3.

2 Moen previously appeared in front of
3 this panel making the same arguments I'm about to
4 make to you as to why the components should be
5 removed from the tariff list, and the committee
6 agreed.

7 Of the thousands of codes requested
8 for removal only 286 were actually removed,
9 including the four codes we're discussing today,
10 and they were removed for good reason. Because
11 the USTR understood that these components support
12 U.S. manufacturing and cannot be found anywhere
13 else but in China.

14 Unfortunately, these components have
15 been added back to List 4 to the detriment of
16 companies like Moen which relied on their removal
17 from List 3. To be clear, Moen's a U.S.
18 manufacturer. We sell faucets and other products
19 to retailers, builders, and wholesalers all over
20 the United States and 90 percent of those faucets
21 are assembled in our two North Carolina
22 factories.

1 The components we source from China
2 are combined with other critical parts, like the
3 cartridge, which are manufactured by Moen in our
4 Sanford, North Carolina factory and are used by
5 our hundreds of U.S. workers when assembling
6 finished faucets. Putting a tariff on these
7 components necessary for our U.S. made products
8 would only hurt our U.S. manufacturing presence.

9 As we told you last August, the vast
10 majority of the world's faucet component volume
11 is sourced from China because that is where the
12 equipment and labor exists. Simply put, China is
13 the only viable option. This is still true even
14 a year after the initial 301 duties were imposed.

15 Over the past year we've continued to
16 try to move production from China. We've looked
17 at qualified suppliers in eight separate
18 countries. It is not possible to find what we
19 need in the quantities required. This is not
20 just a Moen issue, it's an industry issue.

21 First, the equipment we need to cast
22 the parts, polish them, and then finish them

1 exists in scale only in China. The second
2 reason, that these processes are also very labor
3 intensive and China is the only country that has
4 the people who have the experience and the desire
5 of this type of work.

6 Manufacturing components is hard
7 technical dirty work. It's much more skilled and
8 labor intensive process than you may expect
9 requiring significant capital investments, but
10 also one that is absolutely critical in our
11 overall operations.

12 Finishes for faucets such as chrome or
13 bushed nickel must be consistent in order to give
14 the final product a cohesive look. Defects in
15 faucet finish are unacceptable both to our
16 production processes and to the consumer.

17 Because of these factors, China's
18 ability to manufacture faucet components does not
19 currently exist in any other country with the
20 volumes our U.S. factories need, and this has
21 been true for at least 15 years.

22 Over the last year, we have moved a

1 significant portion of our China sourcing to
2 other countries, including the United States.
3 Specifically, we've moved over 20 percent of our
4 sourcing buy from China to other countries and
5 we'll have another 10 percent moved out of China
6 by the end of the year.

7 But as we told you last summer and as
8 I need to tell you again today, we're unable to
9 move the faucet components out of China. We have
10 a longstanding trusted relationship with our
11 suppliers. We estimate the move away from China
12 would take years because we're essentially
13 starting from square one.

14 We'd have to identify potential plant
15 locations, conduct environmental studies, get
16 permits, build new factories, install and verify
17 all new equipment, and conduct process and
18 product validations and qualifications.

19 To now reverse the USTR's prior
20 decision and put the tariffs back on these
21 critical components would unfairly hurt U.S.
22 plumbing manufacturers like Moen. It would not

1 mean that these components could be sourced from
2 the United States.

3 All it would mean is that companies
4 would take these components and assemble them in
5 other low cost countries like Vietnam or Cambodia
6 versus the United States. And it certainly would
7 not help American industry, to the contrary it
8 would simply hurt it. Moen absolutely supports
9 the Administration's concerns over China's
10 practices related to technology transfer,
11 intellectual property innovation.

12 If the United States imposes Section
13 301 tariffs on faucet components from China, it
14 would decrease the competitiveness of faucets
15 manufactured and assembled in the United States
16 and could give an unintended benefit to foreign
17 competitors who assemble their products in other
18 low cost countries outside of China.

19 For these reasons, on behalf of the
20 American workers, we ask that you make the
21 decision that you made last year and once again
22 remove these components from the list. I thank

1 you for your time and attention. I look forward
2 to your questions.

3 MR. BURCH: Thank you, Mr. Thomas. Our
4 next panel witness will be James Daily with
5 SimpliSafe Incorporated. Mr. Daily, you have five
6 minutes.

7 MR. DAILY: Thank you. Good
8 afternoon. My name is Jim Daily. I'm the deputy
9 general counsel at SimpliSafe. Thank you for the
10 opportunity to testify today. SimpliSafe was
11 founded in 2006 and we're based in Boston. We
12 manufacture and sell security systems directly to
13 end-user customers that can be connected to a
14 central monitoring center.

15 Our products include door, water, and
16 glass break sensors, motion and smoke and carbon
17 monoxide detectors, security cameras, video
18 doorbells, and temperature monitors.

19 SimpliSafe markets and sells our
20 products across the United States, primarily
21 through direct online sales, and as well as
22 online platforms such as amazon.com and through

1 retailers such as Best Buy. These products help
2 keep American businesses and homes safe.

3 My testimony today will focus
4 specifically on products classified under the
5 U.S. Harmonized Tariff Schedule 3926.90.99,
6 8517.70.00, and 8531.80.90. These subheadings
7 include a range of plastic parts that we import
8 and use in our completed security products.

9 These include articles made of
10 plastic, and parts of telephone sets for the
11 transmission or reception of voice, images, and
12 other data, and electric sound or visual
13 signaling apparatus. I'm here today to urge the
14 committee to remove the subheadings I've
15 identified from the list of products facing a 25
16 percent tariff increase.

17 Imposing additional duties on the
18 subject products; one, would not be practical or
19 effective in eliminating China's unfair acts,
20 policies, and practices; two, it would result in
21 disproportionate economic harm to U.S. interests
22 and key stakeholders, including small and medium

1 size businesses, local government entities, and
2 American consumers; and third, would have a
3 meaningful negative impact on SimpliSafe,
4 including our U.S. operations due to limited
5 alternative sources.

6 First, by imposing additional duties
7 on the security system products and parts
8 imported by SimpliSafe will not reduce China's
9 unfair acts, policies, and practices relating to
10 U.S. intellectual property. This is because
11 SimpliSafe owns all the IP rights in our products
12 designs. Our intellectual property is protected
13 in the United States and China and elsewhere
14 through patents, trademarks, and trade secrets.

15 Furthermore, the company has worked
16 with our Chinese manufacturers for almost ten
17 years and we have yet to see any Chinese
18 competitors obtaining our security system
19 technology and then dominating the field.

20 This is because the company
21 successfully maintains close relationships with
22 these manufacturing partners and we implement

1 agreements with them containing robust
2 confidentiality and IP provisions, and we demand
3 strong indemnification from them in these
4 contractual arrangements.

5 Second, these additional duties will
6 have a disproportionate impact on small and
7 medium size businesses, U.S. consumers, and local
8 government entities. This is because SimpliSafe
9 cannot absorb a 25 percent increase on our costs
10 for our security system products, and our
11 retailers are unlikely to shoulder this cost as
12 well.

13 The additional cost of these duties
14 will most likely then be passed on to U.S.
15 consumers. This substantially increases the
16 price on security products that families,
17 businesses, and local government entities use to
18 protect themselves.

19 Third, the negative impact on
20 SimpliSafe's U.S. operations and the limitation
21 on viable alternative sourcing options outside of
22 China are compelling reasons to remove these

1 subheadings from products facing increased
2 tariffs. SimpliSafe has already been struggling
3 to absorb the increased costs associated with
4 additional duties imposed on products subject to
5 China's tariffs.

6 Additional duties on the List 4
7 products may force us to increase the cost of our
8 products and will certainly negatively impact
9 research and develop efforts concerning our new
10 products. This will threaten the innovation of
11 our products and negatively impact us and stifle
12 job growth in the United States more broadly.

13 SimpliSafe currently has 700 employees
14 located in the Boston area. We may need to
15 explore the feasibility of transferring certain
16 of these roles to operations outside the U.S.
17 Due to limited alternative sourcing options,
18 finding cheaper alternatives outside the country
19 may be our best option.

20 For these three reasons mentioned
21 today, SimpliSafe respectfully requests that
22 subheadings 3926.90.99, 8517.70.00, and

1 8531.80.90 be removed from the list of tariff
2 headings subject to additional duties. This
3 concludes my testimony. I appreciate the
4 opportunity to testify and look forward to
5 answering your questions.

6 MR. BURCH: Thank you, Mr. Daily. Our
7 next panel witness will be Craig Updyke with the
8 National Electrical Manufacturers Association.
9 Mr. Updyke, you have five minutes.

10 MR. UPDYKE: Thank you. Before I
11 begin, Mr. Burch, I note that there is a tape
12 recorder in front of me. Is that -- that's for
13 the committee? Okay. Thanks very much for the
14 opportunity to speak with you today. My name is
15 Craig Updyke and I serve as director of trading
16 commercial affairs for the National Electrical
17 Manufacturers Association, or NEMA.

18 NEMA represents nearly 325 electrical
19 equipment and medical imaging equipment
20 manufacturers that make safe, reliable, and
21 efficient products and systems. Our combined
22 industries account for 360,000 American jobs in

1 more than 7,000 facilities covering every state
2 of the union.

3 These industries produce \$106 billion
4 in shipments annually and \$36 billion in annual
5 exports of electrical equipment and medical
6 imaging technologies.

7 NEMA shares the Administration's
8 concerns regarding China's intellectual property
9 practices and the exclusionary nature of the made
10 in China 2025 program. U.S. electrical and
11 medical imaging manufacturers support a
12 comprehensive approach to international trade
13 that results in free and open global markets.

14 We remain hopeful that the outcomes of
15 discussions between China and the United States,
16 as well as other countries in trade group --
17 groups of countries with whom the U.S. is engaged
18 will help to assure a more level playing field
19 through the application of clear, binding, and
20 enforceable trade rules in compliance with
21 international norms of intellectual property
22 protection.

1 While some NEMA member companies
2 manufacture their own products in China, many
3 others source finished goods, as well as
4 components from contractual partners in China.
5 In particular, many of our member companies
6 source components from China into the U.S. to
7 support their U.S. manufacturing operations.

8 Many NEMA members are already faced
9 with 25 percent additional tariffs on needed
10 imports from China. Placing additional tariffs
11 on the products included on List 4 or Tranche 4
12 that are within or adjacent to NEMA's scope will
13 not help support and could further materially
14 injure the global competitiveness of our
15 industries, their U.S. manufacturing operations,
16 and their employees

17 In particular, tariffs on imported
18 components impose a cost burden on U.S.
19 manufacturers that are competing against
20 unencumbered imports of finished goods. The
21 imprecision of broad-based tariffs, such as those
22 that have been implemented since July 6th of 2018

1 and those at issue here today, is accompanied by
2 collateral damage up and down global supply
3 chains that is better avoided.

4 If tariffs on additional products are
5 judged by the Administration to be a necessary
6 attention-getting tool to support U.S. companies
7 trying to do business in China, we urge the use
8 of tariffs to be much narrower than proposed.

9 Furthermore, we urge that the scope of
10 the tariffs exclude at the outset rather than
11 much later through an exclusion request and
12 review process any items where tariffs would do
13 significant and disproportionate harm to NEMA
14 members U.S. operations and exports and be very
15 short-lived.

16 I would note, however, that at the
17 present time the additional tariffs in place
18 since July of 2018 have not brought about such
19 positive changes in China. Thank you very much
20 for this opportunity to address you today and I
21 welcome any questions you may have. Thanks.

22 MR. BURCH: Thank you, Mr. Updyke. Our

1 next panel witness will be Steve Cistulli with
2 Coolpad Americas. Mr. Cistulli, you have five
3 minutes.

4 MR. CISTULLI: Thank you very much.
5 Members of the agency committee, thank you for
6 the opportunity to provide comments on the
7 proposed list of goods subject up to a 25 percent
8 tariff if imported from China.

9 My name is Steve Cistulli. I'm the
10 chief executive of Coolpad Americas.
11 Specifically, Coolpad Americas requests that the
12 HTSUS tariff classifications associated with our
13 products, which are uniquely designed family-
14 focused pet trackers, child and elderly
15 wearables, and family-focused phones be removed
16 from the final list. Attached to my written
17 testimony is a complete listing by code.

18 Coolpad Americas is a consumer
19 electronics company that focuses on re-imaging
20 how to use technology to reconnect the modern
21 digital family. We are headquartered in Frisco,
22 Texas. We have satellite offices in Bellevue,

1 Washington, and Kansas City, Missouri, and we
2 support our partner operations there, and we
3 employ a total of about 35 people.

4 Our mission is to become the leading
5 provider of family centric connected technology
6 and design products and services that enable
7 better family experiences with safety and
8 security at the heart of everything we do.

9 Coolpad recently pivoted its business
10 model in the U.S. to drive R&D in the family
11 technology space most recently with the
12 introduction of the Coolpad FamilyLabs
13 application and platform as a service.

14 FamilyLabs is a family-focused service
15 platform designed to help connect, manage, and
16 monitor devices across all family members and can
17 be thought of really as an operating system for
18 the modern digital family.

19 The reason for the shift is because
20 we're seeing an increasing number of family
21 members, including children and elderly, using
22 technology. Respectively, there's a growing

1 concern from parents to keep their family safe
2 from inappropriate content, cyber bullying, cyber
3 predators, and most seriously screen addiction.

4 As mentioned, our new FamilyLabs
5 application is the first all-inclusive family
6 management application that lets users
7 communicate, locate, and provide remote support
8 to multiple family members. Parents can locate
9 and track multiple family members including kids,
10 parents, and pets.

11 They're able to manage a safer online
12 experience through content filtering and screen
13 time limits, as well as provide remote support
14 which is a critical feature that allows parents
15 to set reminders for scheduled activities and
16 provide important medication reminders for the
17 elderly.

18 The hardware we import is simply the
19 mechanism to allow us to deliver this integrated
20 family-focused software experience. This value
21 proposition and innovation towards family
22 technology is being threatened by the proposed

1 tariffs, which will affect our company's U.S.
2 based operations and risk further development in
3 this area for us.

4 The primary development of this
5 technology is being done in the United States
6 with only the physical hardware manufacturing
7 done overseas in China. FamilyLabs is a full
8 end-to-end U.S. developed technology, including
9 our ability to ensure that end-user data remains
10 in the United States.

11 Our organization already takes safety
12 and security very seriously meeting and exceeding
13 the highest standards of U.S. compliance as
14 evidenced by our added safety and security
15 measures which have already achieved compliance
16 in many of our products including our Dyno
17 Smartwatch for children.

18 We probatively partnered with global
19 security experts to rigorously test our
20 technology prior to public release. Currently,
21 the hardware on to which our software is loaded
22 is produced in China. The technology for

1 manufacturing our tablets, wearables, and other
2 small devices has evolved in China and is not
3 readily available in other countries based on our
4 current business scale.

5 Placing up to a 25 percent tariff on
6 our products will cause significant harm to our
7 small but growing company just as we are
8 beginning to gain a foothold in the U.S. market.
9 We do not presume to offer you a suitable
10 proposed tariff on our products as any tariff
11 will harm our business.

12 Further, the imposition of tariffs on
13 our items will not influence nor change China's
14 practices, policies, or acts with respect to
15 intellectual property and trade secrets. We are
16 the innovators and we keep this innovation and
17 intellectual property protected here in the
18 United States.

19 Our devices can enter the United
20 States as lifeless boxes. Our software developed
21 in the United States could then give these
22 lifeless boxes a heartbeat. I believe our

1 products being made in China will not contribute
2 to China achieving its goals for 2025 because the
3 technology loaded on these boxes is being
4 developed and protected in the United States.

5 We're asking your support in removing
6 the HTS tariffs we submitted from the final list
7 of products subject to additional tariffs from
8 China. Thank you very much for your time. Look
9 forward to your questions.

10 MR. BURCH: Thank you, Mr. Cistulli.
11 Our last panel witness for the day will be Mike
12 Jacobsen with Ridge Tool Company. Mr. Jacobsen,
13 you have five minutes.

14 MR. JACOBSEN: Thank you. Good
15 afternoon. My name is Mike Jacobsen, Counsel to
16 Ridge Tool Company. Thank you for the opportunity
17 to appear before you today. Ridge Tool is an
18 American manufacturer founded in 1923 and based
19 in Elyria, Ohio. In 1923, Ridge Tool invented
20 the modern pipe wrench.

21 We continue to develop, manufacture,
22 and market tools and equipment for professional

1 tradesmen, including equipment used in plants,
2 construction sites, oil fields, and other harsh
3 environments.

4 We currently make over 300 tools under
5 our trademark the Rigid brand in over 4,000
6 models and sizes. Our Elyria facility includes
7 17 acres of R&D, marketing, sales, and
8 manufacturing. We employ over 1,000 hardworking
9 Americans with a significant presence in Ohio,
10 Pennsylvania, and Virginia.

11 I'm here today to request that
12 professional tools entering the United States
13 under HTSUS 8467.8910 and 8467.290090 remain on
14 List 4. As I will explain, continued inclusion
15 of these professional tools would fulfill the
16 stated goals of the Section 301 by benefitting
17 American tool makers and U.S. manufacturing while
18 not harming American consumers.

19 Ridge Tool makes professional tools in
20 Elyria that would be classified under these
21 tariff codes, including professional plumbing and
22 electrical tools for joining pipe and electrical

1 cables.

2 To manufacture these tools systems we
3 harden and precision grind raw jaw forgings and
4 machine these raw inputs to exact tolerances in
5 the United States to create a finished product.
6 We then include the tool together with jaw sets
7 to accommodate specific size tubes and cable
8 connections in a kit to sell to professional
9 contractors.

10 Ridge Tool has spent significant funds
11 on R&D to make these tools, including investing
12 in technology at the machining stage. We also
13 regularly invest significant funds in workforce
14 training and onboarding of new hires to support
15 these product lines.

16 I would also like to note that the
17 committee previously considered putting tools
18 under HTSUS 8467.8910 on the list of products
19 subject to Section 301 tariffs.

20 Unfortunately, the products were
21 removed before the final list was -- the list was
22 finalized and we think that the decision to do so

1 was based on a misperception that these tools are
2 for the DIYers or weekend warriors. They are
3 not. And that is clearly shown by the pictures
4 we have provided in our written submission. I
5 attached those pictures to my testimony.

6 Based on our long experience as a tool
7 manufacturer and designer, these tools are used
8 by professional tradesmen for mainly large
9 commercial and nonresidential construction
10 projects. Very few of these items are likely to
11 be sold in big box retailers, but instead are
12 likely sold to professionals through industrial
13 distribution channels.

14 This is an important fact for how any
15 tariff might -- impact might be felt. First, if
16 Section 301 tariffs are imposed the primary
17 impact will likely be to cause U.S. purchasers to
18 buy more tools made in the United States. U.S.
19 consumers may also import more tools from third
20 countries including Germany, Switzerland, France,
21 and Italy.

22 Second, any increase in cost will be

1 passed on primarily to industrial customers not
2 everyday Americans doing DIY projects at home
3 causing a very small impact, if any, on the
4 average final consumer. This is exactly the kind
5 of minimal and defused impact that fits the goals
6 of the Section 301 investigation.

7 Lastly, I would like to note to the
8 committee that we have had to spend considerable
9 resources in addressing IP issues in China,
10 particularly those surrounding our Rigid brand
11 trademark. Samples of infringing trademarks can
12 be found as attachments to my testimony. These
13 are the types of IP issues that form the genesis
14 of the Section 301 investigation.

15 For these reasons, USTR should
16 continue to include HTSUS 8467.8910 and HTSUS
17 8467.290090 to the list of tariff lines subject
18 to duties under the Section 301. Thank you.

19 MR. BURCH: Thank you, Mr. Jacobsen.
20 And, Mr. Chairman, this concludes all witnesses
21 testimonies.

22 MR. STEPHENS: My question is for

1 Marty Thomas. And just a personal note, I
2 renovated my bathroom years ago and I became
3 familiar with a lot of plumbing products. I took
4 the bathroom down to the studs, did the plumbing,
5 the wiring and the drywall, so --

6 MR. THOMAS: All Moen?

7 MR. STEPHENS: Some. But you
8 mentioned that you looked at qualified suppliers
9 in eight countries. Could you describe some of
10 the shortcomings? And you did, in your
11 testimony, talk about the skills. Are there also
12 environmental issues with the plating? What is
13 it specifically that's the largest challenges?

14 MR. THOMAS: Absolutely. There's
15 about three different things we can talk about
16 quickly. Number one is the capital outline. So,
17 what we're talking about, so just so everybody
18 knows, these are the -- the parts of the plumbing
19 that you see are the zinc diecast parts that are
20 plated to all the various different finishes that
21 consumers have taste for, everywhere from chrome
22 to bushed nickel to matte black to gold.

1 So, this is what we're talking about
2 that we're having difficulty finding anywhere
3 else out there. The complicated product that you
4 would think is what we can't find, we can find
5 these in many other countries. We've moved these
6 to many countries around the world. This is the
7 valve body that actually turns your shower on and
8 off.

9 So, this is a cast part with a lot of
10 machining, welding, plastic molded parts,
11 assembly, and everything else. This is the 20
12 percent we've been able to move and the 10
13 percent we will move.

14 This, the difficulty is it is a
15 diecast product which is a high pressure molten
16 metal casting process which is extremely capital
17 intensive. Hundreds of millions of dollars to
18 startup a plant would be required. So, that's
19 the first hurdle.

20 With all the supply already being in
21 China, there's no impetus for one of them to go
22 out and make that capital investment. And, sure,

1 this left American and it left Western Europe 20
2 to 30 years ago for labor, and as we all know,
3 also for environmental issues.

4 So, getting into any other country
5 you're going to have a long pot just to get the
6 capital that you're going to need to do that, but
7 then you're going to have a long list of
8 environmental and permit issues.

9 Lastly, please, when you diecast it is
10 a very rough product that comes out of that mold
11 and you have a thousand-some employees standing
12 there in front of polishing wheels all day long,
13 that's what they do, to turn it from a rough cast
14 into the most beautiful finish you can image.

15 And finding that labor, as you're
16 hearing from a lot of people right now, these
17 other countries are taped out on labor right now.
18 So, I hope I answered your question.

19 MR. STEPHENS: Thank you. And how
20 many jobs at your American facilities are at risk
21 because of the tariffs?

22 MR. THOMAS: So, there would be 1,500

1 jobs in North Carolina. That's in New Bern and
2 Sanford where we actually manufacture this and
3 assemble this, it's 1,500 jobs, sir.

4 MR. STEPHENS: Thank you.

5 MR. THOMAS: You're welcome.

6 MR. TSAO: Mr. Thomas, a follow-up.
7 How many -- how large is the U.S. market for your
8 Chinese suppliers?

9 MR. THOMAS: Oh boy, I don't know the
10 answer to that, but I'll try to find an answer
11 for you. You're asking, so out of everything
12 that China does for zinc diecasting, what percent
13 comes to America. Is that your question?

14 MR. TSAO: That's correct. How large
15 is the U.S. market share for your suppliers for
16 those products?

17 MR. THOMAS: I don't know the answer
18 to that question, but I'll try to get you an
19 answer. I apologize.

20 MR. TSAO: Thank you.

21 MS. HUANG: Thank you for your
22 testimonies. My question is for James Daily of

1 SimpliSafe. In your written comments you say you
2 have never sourced security systems from other
3 countries and that it would take several years to
4 replicate your supply in China. Do you say this
5 based on your experience with China or from
6 investigating other potential suppliers in other
7 countries?

8 MR. DAILY: Thank you for the
9 question. So, we came to that conclusion both
10 from our experience in China and from our
11 attempts to source in other countries. Since the
12 List 3 tariffs came out and added almost, I would
13 say, more than 50 percent of our products,
14 probably closer to 75 percent of our products, to
15 that list we've been trying to source in
16 different countries and we have been to date
17 unsuccessful.

18 You know, again, the idea that the box
19 in which the, you know, the manufacturer is
20 located that's the easy part, it's the expertise,
21 it's the supply chain, it's the complicated
22 material that goes there. So, that's why we have

1 been to date unsuccessful in locating this into a
2 different country.

3 MS. HUANG: Are you aware if your
4 competitors source parts of their supply chain
5 outside of China?

6 MR. DAILY: I am not specifically
7 aware if -- but I would presume that there are
8 competitors. We are competing in a broad
9 industry. I would assume there are competitors
10 that do it elsewhere.

11 MS. HUANG: I have one more question.
12 In your testimony you also said that due to
13 limited sourcing options finding cheaper
14 alternatives outside the country may be your best
15 option. Can you elaborate more on where those
16 cheaper alternatives are if you haven't done any
17 research on that?

18 MR. DAILY: So, in terms of cheaper
19 alternatives, we have -- I don't mean to say we
20 have not done any research on that. We are
21 seeking cheaper alternatives, and those are --
22 where we are looking is primarily in Asia.

1 And this is about jobs being in danger
2 in the U.S., we've had to hire additional --
3 we're not a big company. We've had to hire
4 additional people to work on this question, and
5 so this is diverting resources from R&D that are
6 -- that we would -- you know, could otherwise be
7 investing with our engineering and product teams.

8 MS. HUANG: May I ask, then, is it the
9 jobs in the U.S. that you would be outsourcing
10 the -- to find a cheap alternative you'd be
11 taking those jobs in the U.S. and potentially
12 moving them elsewhere?

13 MR. DAILY: That's a possibility,
14 correct, engineering jobs and product design
15 jobs, yes.

16 MS. HUANG: Thank you.

17 MR. DAILY: Thank you.

18 MS. ZHAO: This question is for Mr.
19 Updyke. Have NEMA members faced IP issues in
20 China such as those addressed by this
21 investigation, this 301 investigation?

22 MR. UPDYKE: Well, we represent quite

1 a few companies. And, as I stated in my
2 testimony, we do sympathize and associate
3 ourselves with the concerns that the
4 Administration has about intellectual property
5 protection and technology transfer in China.

6 MS. ZHAO: And do your members think
7 that the cost of relocating and training a new
8 labor force would outweigh the long-term benefits
9 of changing China's technology transfer
10 practices?

11 MR. UPDYKE: I'm sorry, could you
12 repeat the question?

13 MS. ZHAO: Do you think that your
14 members think that the cost of relocation and
15 training a new labor force would outweigh the
16 long-term benefits of changing in China's
17 technology transfer practices?

18 MR. UPDYKE: Well, I think that's
19 quite a large question and we represent over 300
20 companies, so maybe I'll take that question back
21 and try to address that in our post-hearing
22 submission.

1 MR. ZHAO: Thank you.

2 MS. SMITH: Good afternoon. My question
3 is for Coolpad Americas, Mr. Cistulli. You stated
4 that the mass production of tablets, wearables,
5 and other small devices is not readily available
6 in any other country. Have you explored whether
7 other countries can produce your products?

8 MR. CISTULLI: Thank you. Yes, we
9 have. The issue is not about potentially viable
10 countries for further production. The issue
11 comes down to scale for our particular company
12 and where we are today.

13 And so, without scale we have almost
14 no leverage here in the United States to
15 negotiate with our current customer base, and
16 without scale we have limited to no negotiation
17 power in those viable countries. So, we have
18 investigated India. We have investigated Vietnam
19 as alternatives. But again, without scale we
20 have very little leverage.

21 MS. SMITH: Thank you. One more
22 question. What are the barriers other countries

1 need to overcome to be able to produce the heart
2 where you need and then the scale?

3 MR. CISTULLI: So, I think there are
4 two questions there. One -- let me generalize on
5 the first one. When it comes to creating U.S.
6 carrier grade products for the mobile industry,
7 certain standards need to be met.

8 I think the industry has been
9 successful in bringing up countries such as South
10 Korea. They've been successful in bringing up
11 Vietnam. And again, barriers to entry in
12 bringing up those countries include water,
13 education, facilities, et cetera, it's taken many
14 years. India is not too far behind.

15 But for the factories who have ramped
16 up quickly enough to support those larger OEMs,
17 they're at maximum capacity in terms of setting
18 up lines and then running product through those
19 lines. In addition to that, with what's been
20 happening, even being able to negotiate airline
21 as well as ship capacity also needs to change.

22 It was mentioned earlier in other

1 testimony, it takes us, you know, 6, 12 months to
2 plan that capacity in just shipping alone. So,
3 there are viable alternatives but you have to
4 have some version of scale.

5 Where we are today, China offers the
6 options where you can have shorter and smaller
7 runs for things like tablets and wearables and
8 some of the products that we have.

9 MS. SMITH: Thank you. Thank you very
10 much.

11 MR. CISTULLI: Thank you.

12 MR. MAIER: Okay. I'm Peter Maier
13 from Treasury. I've got a question for Mr. Berry
14 from the Ridge Tool. What is the market share in
15 the United States of tools that are imported from
16 China or just materials sourced from China?

17 MR. JACOBSEN: Hi. Mike Jacobsen
18 filing in --

19 MR. MAIER: Sorry.

20 MR. JACOBSEN: -- for Mr. Berry. No
21 problem. I can try to find that information out
22 for you. I don't have it offhand, but I can look

1 it up and try to provide it in our post-hearing
2 submission.

3 MR. MAIER: I've got a second question.
4 If it's for post-hearing submission that's fine
5 as well. Do you think levying a tariff on tools
6 may encourage Chinese suppliers to ask their
7 government to address the unfair Chinese trade
8 practices found in this investigation?

9 MR. JACOBSEN: I can also answer that
10 in post-hearing.

11 MR. MAIER: Thank you.

12 MR. BURCH: Mr. Chairman, we release
13 this panel with our thanks and we will recess
14 until Monday at 9:00, 9:30.

15 MR. TSAO: Yeah, just administrative
16 note, we will be in a different -- for the
17 record, we'll be in a different facility room.

18 MR. BURCH: Courtroom B.

19 MR. TSAO: Right, Courtroom B for
20 Monday at 0930. We're in recess.

21 (Whereupon, the above-entitled matter
22 went off the record at 5:26 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: USTR

Date: 06-21-19

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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