

SECTION 301 HEARING
Public Hearing on 03/26/2025

1 UNITED STATES OF AMERICA
2 OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
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4 SECTION 301 HEARING:
5 PROPOSED ACTIONS: CHINA'S ACTS, POLICIES, AND
6 PRACTICES TARGETING THE MARITIME, LOGISTICS, AND
7 SHIPBUILDING SECTORS FOR DOMINANCE PUBLIC HEARING
8 + + + + +
9 MARCH 26, 2025
10 10:00 A.M.

11
12 The 301 Committee met in the Hearing
13 Room of the International Trade Commission, 500 E
14 Street, Southwest, Washington, D.C., on Wednesday,
15 March 26, 2025, at 10:00 a.m., Philip Butler, Chair,
16 and Thomas Au, Co-Chair, presiding.

17
18 PRESENT

19 PHILIP BUTLER, Chair, U.S. Trade Representative
20 THOMAS AU, Co-Chair, U.S. Trade Representative
21 JACK KAMENSKY, U.S. Trade Representative
22 ANJANI NADADUR, U.S. Trade Representative
23 DAVID SALKELD, U.S. Trade Representative
24 RACHEL HASANDRAS, U.S. Trade Representative
25 ANDREW STEPHENS, U.S. Department of Agriculture

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1 TYLER VAN PATTEN, U.S. Department of Treasury
2 IAN COOK, U.S. Department of Commerce
3 CHRISTOPHER HARTNETT, U.S. Department of
4 Homeland Security
5 LEO BAUNACH, U.S. Department of Labor
6 RYAN SULLIVAN, U.S. Department of State
7 SARAH BONNER, Small Business Administration
8 BECXI SANCHEZ, U.S. Department of Transportation
9 MARY LISA MADELL, U.S. Department of Transportation
10 MEGAN BARNHARTT, U.S. Department of Energy

11

12 ALSO PRESENT:

13 TYRELL BURCH, U.S. International Trade Commission
14 JAMILA THOMPSON, U.S. International Trade Commission

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

2 MR. BURCH: Will the room, please, come to
3 order?

4 MR. BUTLER: Good morning, and welcome.

5 The office of the United States Trade
6 Representative, in conjunction with the interagency
7 Section 301 Committee, is holding this public hearing
8 in connection with the Section 301 investigation of
9 China's targeting of the maritime, logistics, and
10 shipbuilding sectors for dominance. Today is the
11 second day of hearing in this investigation, which
12 began Monday, March 24th.

13 As background, on March 12th, 2024, five
14 labor unions filed a Section 301 petition regarding
15 the acts, policies, and practices of China to
16 dominate the maritime, logistics, and shipbuilding
17 sector. The full petition is available on the USTR
18 website under Section 301 Investigations.

19 The United States Trade Representative
20 initiated this investigation on April 17, 2024.
21 Based on the information obtained during the
22 investigation, USTR released a public report on the
23 investigation. The report supports the determination
24 that China's targeting of the maritime, logistics,
25 and shipbuilding sectors for dominance is

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1 unreasonable and burdens or restricts U.S. commerce
2 and is, thus, actionable. The report is available on
3 USTR's website.

4 Based on the information obtained during
5 the investigation, as reflected in the public report
6 on the investigation, and taking account of public
7 comments, as well as the advice of the interagency
8 Section 301 Committee and advisory committees, the
9 U.S. Trade Representative determined that China's
10 targeting of the maritime, logistics, and
11 shipbuilding sectors for dominance is unreasonable
12 and burdens or restricts U.S. commerce, and is, thus,
13 actionable under Section 301(b) and 304(a) of the
14 Trade Act.

15 In a Federal Register notice published on
16 February 27th, 2025, the USTR announced
17 proposed trade action in this investigation. The
18 Federal Register notice is available on the USTR web
19 page under the Section 301 Investigations page, and
20 is published in the Federal Register at 90 Fed. Reg.
21 29,843.

22 The purpose of this hearing is to receive
23 public testimony regarding the proposed action. The
24 Section 301 Committee will carefully consider today's
25 testimony and all written comments in response to the

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1 Federal Register notice, including post-hearing
2 rebuttal comments. The Section 301 Committee will
3 then make a recommendation to the United States Trade
4 Representative.

5 We are pleased to have international trade
6 and economic experts from a range of U.S. government
7 departments and agencies participating in today's
8 hearing.

9 We will -- can you go ahead and introduce
10 yourselves, please? Start at the end of the far
11 left, please, your name and your agency.

12 MR. BAUNACH: Leo Baunach, U.S. Department
13 of Labor.

14 MR. VAN PATTEN: Tyler Van Patten,
15 Department of Treasury.

16 MR. SULLIVAN: Ryan Sullivan, Department
17 of State.

18 MR. HARTNETT: Christopher Hartnett,
19 Department of Homeland Security.

20 MR. KAMENSKY: Jack Kamensky, Office of
21 the U.S. Trade Representative.

22 MS. SANCHEZ: Becxi Sanchez, Department of
23 Transportation.

24 MR. STEPHENS: Andrew Stephens, U.S.
25 Department of Agriculture.

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1 MR. COOK: Ian Cook, Department of
2 Commerce.

3 MS. BONNER: Sarah Bonner, U.S. Small
4 Business Administration.

5 MR. BUTLER: And my name is Philip Butler.
6 I'm with the Office of the United States Trade
7 Representative and co-chair of the Section 301
8 Committee.

9 Before we proceed with the first panel of
10 the day, Panel Eight, I will provide some procedural
11 and administrative instructions.

12 The hearing is scheduled for two days,
13 Monday, March 24, and Wednesday, March -- sorry --
14 March 26th. Today is the second day of the hearing.

15 The February 27th notice indicated that
16 post-hearing comments would be due seven days after
17 the last day of the public hearing. Because this
18 hearing will conclude today, post-hearing comments
19 are due on April 2nd, 2025.

20 Today, we will have seven panels of
21 witnesses, with 32 individuals scheduled to testify.
22 The provisional schedule has been posted on the USTR
23 website.

24 We will have a brief break between the
25 panels.

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1 Each witness appearing in the hearing is
2 limited to five minutes of oral testimony. The light
3 before you will be green when you start your
4 testimony; yellow means you have one minute left, and
5 red means your time has expired.

6 After the testimony from each panel of
7 witnesses, the Section 301 Committee will have an
8 opportunity to ask questions. All questions will be
9 from department/agency representatives; there will be
10 no questions accepted from the floor. Committee
11 representatives will generally direct their questions
12 to one or more specific witnesses.

13 Again, post-hearing comments, including
14 any written responses to questions from the
15 Section 301 Committee, are due April 2nd, 2025. The
16 rules and procedures for written submissions are set
17 out in the February 27th Federal Registry notice.

18 Given the number of witnesses and the
19 schedule, we request that witnesses, when responding
20 to questions, be as concise as possible. We,
21 likewise, ask witnesses to be understanding if and
22 when the Chair asks that a witness conclude a
23 response. In this regard, witnesses should recall
24 that they have a full opportunity to provide more
25 extensive responses in their post-hearing

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1 submissions.

2 No cameras or video or audio recording
3 will be allowed during the hearing.

4 A written transcript of this hearing will
5 be posted on the USTR website as soon as possible
6 after the conclusion of the hearing.

7 With that, let's start with Panel Eight.

8 Mr. Ruhl, you're first. Thank you.

9 MR. RUHL: Thank you.

10 My name is Gregg Ruhl. I am the President
11 and CEO of Algoma Central Corporation. Algoma is the
12 largest carrier on the Great Lakes and St. Lawrence
13 Seaway, although that's only about half of our
14 business. We also trade along the east and west
15 coasts of the Americas, often into and out of the
16 U.S. The remainder of our business is marine
17 shipping in the other geographies around the globe.
18 We are a 125-year-old shipowner and ship operator.

19 Although Algoma is a Canadian
20 publicly-traded company, I am a U.S. citizen and a
21 proud American who celebrates the Fourth of July
22 religiously. I currently live in Buffalo, New York,
23 and I would love to see shipbuilding revitalized in
24 the U.S., along with the manufacturing supply base
25 needed to support it.

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1 Before joining Algoma, I ran a U.S. Jones
2 Act fleet and was chair of the Lake Erie Association,
3 representing the U.S.-flag vessels on the Great
4 Lakes.

5 Many of our customers at Algoma are either
6 U.S. companies or companies that supply critical
7 inputs to U.S. industries and communities. This
8 month, we took delivery of four new ships; two from
9 South Korea, one from Croatia, and yes, one from
10 China. And we have additional vessels on order in
11 China; orders that were placed well over a year ago,
12 and will be delivered in the next few years. We made
13 large, nonrefundable progress payments on these ships
14 and we need them to be delivered unencumbered, so we
15 can continue to help the American industries and
16 communities we serve to thrive.

17 It seems to me that it has been well
18 established through Monday's testimony that the
19 proposed remedies will basically shut down what we
20 refer to as short-sea shipping, small ships carrying
21 small cargoes of low-value commodities for short
22 distances.

23 It also seems to me that it has been well
24 established that applying these remedies to existing
25 Chinese-built ships, like ours, with no current

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1 connection to China and existing orders is damaging
2 to the U.S. and not to China.

3 So I'm going to spend my remaining time
4 outlining what, I think, would be an appropriate
5 remedy, an appropriate port fee, and an appropriate
6 structure that would accomplish the three primary
7 goals of the USTR investigation.

8 One: Generate consistent guaranteed
9 revenue to support U.S. shipbuilding.

10 Two: Discourage future orders from
11 Chinese shipyards.

12 And three: Encourage future orders from
13 U.S. shipyards.

14 First, to generate predictable revenue,
15 the port fee must be applied across the board to all
16 ships entering U.S. ports, regardless of the ship's
17 flag or where it was built. The fee must be
18 reasonable and adjust to various cargo sizes and
19 values. Of course, it should only apply once when
20 the cargo or container is first cleared in the U.S.
21 I suggest 0.25 percent of the cargo value. Cargo
22 diversion risk could be mitigated by asking Canada
23 and Mexico to enact the exact same quarter-percent
24 port fee or, if an agreement can't be reached, by
25 enacting a land border fee at the U.S. border.

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1 Based on a total of two trillion in goods
2 imported and exported by ship annually, this 0.25
3 percent port fee would generate five billion per year
4 to put into a shipbuilding trust fund.

5 Secondly, to dissuade future orders from
6 Chinese shipyards, apply a higher fee to any new
7 ships ordered after the effective date of this rule.
8 I suggest doubling the fee to 0.5 percent of the
9 cargo value. This would have an immediate and
10 profound impact on the shipbuilding market.

11 In fact, your proposed remedies have
12 already practically frozen the market. No one is
13 placing orders from Chinese shipyards right now
14 merely because of the threat that there could be a
15 port fee on these ships.

16 Thirdly, to encourage future orders from
17 U.S. yards, invest the money from this shipbuilding
18 trust fund to modernize and increase shipbuilding
19 capacity and efficiency, first, to meet the demands
20 for required Jones Act fleet renewal and military
21 needs. Then, as shipyards become more efficient,
22 offer slots to commercial shipbuilding, possibly
23 providing a differential subsidy from the trust fund
24 until U.S. shipyard costs are competitive on the
25 world market.

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1 In conclusion, our proposal sets up a
2 system where everyone contributes a reasonable
3 amount, market manipulations and loopholes are
4 eliminated, and inflationary spikes and supply chain
5 disruptions are avoided.

6 All that being said, if the port fees are
7 applied as proposed by USTR, in our written
8 submission, we've listed accommodations that will be
9 needed to make sure the fees are far less devastating
10 to American companies, consumers, and the overall
11 economy.

12 Thank you.

13 MR. BUTLER: Thank you.

14 Mr. Bravener, your turn.

15 MR. BRAVENER: Yeah, good morning. My
16 name is Scott Bravener and I am the CEO of McKeil
17 Marine Limited, a Canadian-based, U.S.-owned
18 short-sea shipping operator with operations in the
19 Great Lakes, eastern seaboard, and Canadian arctic.
20 I would like to thank you for the opportunity of
21 appearing today to provide testimony on how the
22 proposed USTR trade actions may inadvertently
23 disrupt North American short-sea shipping operations,
24 particularly within the Great Lakes/St. Lawrence
25 Seaway system, a vital economic corridor,

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1 underpinning binational trade, manufacturing, and
2 industrial supply chains.

3 The Great Lakes and St. Lawrence Seaway
4 system is predominantly serviced by U.S. and Canadian
5 domestic, purpose-built lakers, designed specifically
6 for operations within those waters. Canadian
7 domestic operators have embarked on an extensive
8 fleet renewal program in recent years to replace
9 a large portion of the fleet, which has been retired
10 due to obsolescence. It is important to note that
11 these vessels form part of a highly integrated,
12 binational supply chain that has operated at close to
13 capacity in recent years.

14 Maritime shipping remains a cornerstone of
15 the economies of the Great Lakes states and the
16 provinces of Ontario and Quebec, facilitating the
17 transport of essential commodities supporting
18 manufacturing, steel production, agriculture, and
19 energy markets. The economic output of this region
20 is equivalent to the third largest economy in the
21 world.

22 The proposed actions appear to overlook
23 the distinct role of short-sea shipping in the North
24 American economy, focusing instead on transoceanic
25 containerized shipping. Short-sea shipping

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1 operations vital to the Great Lakes and coastal
2 trades lack the pricing flexibility of transoceanic
3 shipping and cannot simply absorb substantial
4 cost increases. The imposition of these fees would
5 negatively impact the competitiveness of the U.S. and
6 non-U.S. manufacturing sector, which relies on
7 cost-efficient maritime logistics to maintain its
8 competitive edge.

9 The proposed port fees also fail to
10 account for the frequency-driven nature of short-sea
11 shipping where repeated port calls amplify the
12 financial burdens. These escalating costs
13 place critical trade routes at risk, potentially
14 disrupting cross-border essential -- cross-border
15 commerce essential to regional supply chains and
16 economic integration.

17 A retroactive approach without a
18 structured transition period creates undue hardship
19 for maritime operators without directly impacting
20 Chinese shipyards, which have already been
21 compensated for building these vessels.

22 Additionally, there is no clear assessment
23 of cost passthrough effects on U.S. importers,
24 manufacturers, and consumers, nor an analysis of
25 whether the penalties will lead to inflationary

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1 pressures or material supply shortages within key
2 industries. And while we're certainly supportive of
3 efforts to address China's influence in global
4 shipbuilding, the proposed measures lack a
5 comprehensive strategy that accounts for the
6 complexity of North American trade.

7 To achieve the policy objectives while
8 minimizing the harm to the U.S. economy, we recommend
9 the following: A structured transition plan should
10 be implemented to reduce dependency on Chinese-built
11 vessels. This should include a grandfathering
12 provision for vessels procured or on order prior to
13 the future implementation date, acknowledging that
14 many operators that made investment decisions
15 without prior knowledge of potential restrictions.

16 We also recommend exemptions and
17 grandfathering provisions should be established for
18 short-sea shipping vessels that trade within a
19 2,000-nautical-mile range of the U.S. coast.

20 And thirdly, comprehensive reinvestment
21 strategy should be established to strengthen North
22 American shipbuilding and industrial supply chains.
23 This approach would provide targeted investment
24 incentives to bolster U.S. shipbuilding and port
25 infrastructure, ensuring the long-term

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1 competitiveness and resilience of our maritime
2 industries.

3 We appreciate the opportunity to
4 contribute to this discussion and in engaging with
5 the USTR to develop policies that effectively address
6 China's role in global shipbuilding while
7 safeguarding North America trade and industrial
8 stability.

9 Thank you.

10 MR. BUTLER: Thank you.

11 Mr. Dubreuil.

12 MR. DUBREUIL: Thank you very much, and I
13 do commend you on the pronunciation of a very
14 Francophone name. As you all have guessed, with this
15 last name, I'm from the province of Quebec, in
16 Canada, where I am the chair of the board for the
17 St. Lawrence Shipowners. Our association represents
18 the shipping sector that operates on a shared
19 shipping containerized, which serves as the shipping
20 gateway into the U.S. Midwest and allows our members
21 to carry vital cargo, ergo, back and forth between
22 our nations.

23 There is no doubt that the decline of the
24 North American shipbuilding sector has left a void
25 that China has elected to exploit. Many of our

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1 members have fleets that contain Chinese-built
2 vessels, mainly because there is no longer any
3 capacity to build full, new ships at a North American
4 shipbuilding sector. Our members routinely get
5 turned away from North American shipyards in favor of
6 lucrative, public-sector contracts. Over the years,
7 they have, therefore, turned to international markets
8 and now have fleets composed of ships built in a
9 multitude of countries, including China.

10 Our members should not be penalized for
11 this lack of capacity, and I would begin by urging
12 the USTR to avoid imposing fees on North American
13 companies that have undertaken or trying to work with
14 U.S. shipyards in the past. After all, if there's no
15 McDonald's in a town, you don't blame people for
16 going to Wendy's.

17 Looking forward, however, it is necessary
18 for western countries to be able to hold their own
19 with robust and healthy shipbuilding sectors, and I
20 applaud the United States leadership on this vital
21 issue.

22 With a membership that includes a
23 shipbuilding sector, we are also keenly aware of the
24 massive undertaking it is to rebuild domestic
25 shipyard capacity. From a personal standpoint, I'm

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1 the grandson of a shipyard crane operator and I can
2 tell you I believe there is no expertise like the
3 North American shipbuilding expertise.

4 While we recognize that no solution is
5 perfect, we, however, fear, or rather, we know that
6 the USTR's proposed remedies will have many
7 unintended consequences that will hurt the shipping
8 sector, the shipyard industry, and, more broadly, the
9 U.S. economy. We would, therefore, encourage the
10 USTR to consider a different approach.

11 The first step is recognizing that there
12 are significant differences in ship sizes, trade
13 routes, and value of cargo; applying a
14 one-size-fits-all remedy to all ships does not work,
15 and simply put, the amounts proposed by the USTR
16 cannot be absorbed by the short-sea shipping sector.
17 In most cases, the proposed fees far exceed the value
18 of the cargo our members carry. More importantly,
19 faced with economic hardship, our members will be
20 unable to reinvest in fleet renewal, meaning they
21 will not be capable of turning towards American
22 shipyards for new ships, which goes against the
23 stated objectives of these measures.

24 There is a better way. I would begin by
25 stating that short-sea shipping sector, which is

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1 predominant in the St. Lawrence River, should be
2 protected from any measures that will add operational
3 costs. This would ensure that shipowners we
4 represent would have the necessary financial capacity
5 to order new vessels from local shipyards.

6 Which brings me to our proposed approach;
7 that we chart a course to build up a more robust,
8 more competitive, and stronger North American
9 shipbuilding sector. Such a strategy would integrate
10 existing shipyards, suppliers, and maritime expertise
11 across the region to strengthen local production and
12 reduce reliance on China, and do so right now.

13 We've already established that North
14 American shipyards have limited capacity, but all of
15 them, on both sides of the border, have some
16 capacity. By pooling these resources through
17 specific agreements, we can reach your
18 stated objective of having more U.S. ships built
19 faster and for a more competitive price point.

20 Imagine a situation where fast, low-cost
21 energy is powering a crane in Maine that places an
22 aluminum hatch cover on a hull made of robust, U.S.
23 steel, and where a Canadian self-unloading system is
24 installed by specialized U.S. workers on ships meant
25 to bolster and grow our collective North American

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1 economy. Isn't that what we should be aiming for?

2 Few nations enjoy the type of trade
3 relationship that exists between Canada and the
4 United States. As currently written, the
5 proposed USTR measures would unintentionally impact
6 that trade relationship, create severe supply chain
7 disruptions, and hurt critical industries. Most of
8 all, these measures are so disproportionate for the
9 bulk and cross-border trade sectors that they will
10 prevent most, if not all, trade.

11 Instead, let's protect the short-sea
12 shipping sector, incentivize reinvestment, pool our
13 shipbuilding capacities, and reclaim, together, our
14 position as the top shipbuilding region in the world.

15 Thank you.

16 MR. BUTLER: Thank you.

17 Mr. Friis.

18 MR. FRIIS: Good morning. My name is
19 Henrik Friis. I have over 40 years in international
20 shipping and today, I run CSL Americas Group. We're
21 located just outside Boston and is the leader in
22 marine transportation and dry bulk cargo moving
23 across North America, Central America, and South
24 America, specializing in short-sea shipping. We
25 manage a fleet of 18 ships able to carry between 45-

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1 and 70,000 tons of cargo per shipment, outfitted with
2 special self-unloading gear. Our fleet transports
3 essential cargo such as gypsum, aggregates, coal, and
4 salt, that are critical for the eastern and western
5 coasts of the United States, as well as Hawaii,
6 playing a crucial role in supply chains of many
7 American companies. Our fleets are made up of ships
8 built in Japan, Brazil, South Korea, and yes, in
9 China.

10 Let me begin by recognizing the need to
11 respond to China's trade practices and by stating
12 that we support efforts to rebuild U.S. shipbuilding
13 capacity and capability. However, it is essential to
14 ensure that any proposed measures do not
15 unintentionally harm regional trade and supply
16 chains.

17 The particularities of our business is
18 that we carry high volumes of low-value cargo across
19 relatively short distances along both coasts. We
20 never cross the ocean, and our transit times are only
21 around four to five days per trip. But that also
22 means that we are in port in the U.S. almost every
23 day with a ship. This will mean, to a larger degree
24 than any other shipping operator, we would be
25 unfairly penalized if the fee is introduced as

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1 presented, since it would increase our customers'
2 pricing by three to four times as today.

3 Also, I want to highlight that the trades
4 that we operate in are generally under 2,000 nautical
5 miles, meaning we are replacing land-based
6 transportation, such as truck and rail.

7 If the fees are implemented as presented,
8 it is my belief that our customers will immediately
9 shift their cargo or try to shift their cargo
10 movements to road or rail movement. Doing so would
11 have some impacts: One, there will be no added
12 revenue through our ships, because we would simply
13 have to stop calling on ports in the U.S. Lost in
14 that shuffle will be all the gypsum that we carry;
15 that's enough to build about one million
16 single-family homes per year in North America.
17 Additionally, ten million tons of aggregates that we
18 carry that are needed for infrastructure projects and
19 maintenance in states that do not have that type of
20 material.

21 Secondly, many of our trades go to
22 smaller ports, which would be hurt tremendously by
23 the drop of volume that would question their
24 reliability and the local economy.

25 Three, the sheer number of trucks and rail

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1 that would be required to carry our cargo would
2 literally create havoc in the infrastructure. As an
3 example, just one shipment with our ships replaces
4 about 2,500 trucks on the road, and if that was to
5 shift back to truck or rail, it would be a question
6 of whether or not that would even be able to be
7 accommodated because of the lack/shortage of rail and
8 truck capacity.

9 So the proposed measures will severely and
10 disproportionately impact short-sea shipping and the
11 U.S. industries that highly depend on our business,
12 and we, therefore, ask for a refined approach. You
13 can do so by only targeting cargo that's over more
14 than 2,000 nautical miles arriving in the U.S., or
15 another choice would be to mirror what was presented
16 in the SHIPS for America Act, introduced in Congress
17 in 2024, with a more gradual approach to address the
18 Chinese shipbuilding, while also having a ramp up
19 approach to reestablish U.S. shipbuilding
20 capabilities and capacity. This would give us the
21 time to work with our customers to absorb the
22 increases and allow for U.S. trade to continue. In
23 fact, CSL Americas supported SHIPS for America in
24 December and would be more than welcome to help USTR
25 to refine its proposal to come up with something that

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1 would meet the objectives.

2 Several of the testimonies you've heard on
3 Monday and today posed the same situations that we're
4 talking about; short-sea shipping of low-value, raw
5 material, with multiple port calls each year, which,
6 in my opinion, would be severely hurt or even killed
7 by this proposal. Adopting a 2,000-nautical-mile fee
8 or a reduced speed that could be accepted by our
9 customers, in my opinion, would still allow USTR to
10 achieve its objective.

11 Thank you for your consideration.

12 MR. BUTLER: Thank you.

13 I will now turn to questions. I'll ask
14 that committee members that ask questions, please
15 introduce yourself and your agency. And we will
16 start with the Department of Transportation.

17 MS. SANCHEZ: Thank you.

18 My name is Becxi Sanchez. I represent the
19 Department of Transportation. This question is for
20 Mr. Ruhl. Thank you very much for your testimony and
21 for providing some proposals. We really appreciate
22 those.

23 I would like you to take this opportunity
24 to perhaps expand on how might those proposed
25 adjustments and actions proposed by USTR be adjusted

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1 to reflect the realities of shipping in the Great
2 Lakes, such as the fact that we're trading with
3 smaller vessels and more port calls compared to
4 transoceanic shippings?

5 MR. RUHL: Thank you for the question.
6 And as far as the Great Lakes are concerned, you
7 know, if you make -- for example, we have one
8 customer, we make a hundred port calls a year, just
9 servicing one steel mill across the border from a
10 mine in Minnesota to a steel mill in Canada; that
11 would be \$100 million, and it would shut down the
12 mine and it would shut down the steel mill.

13 So the proposal I'm making is a percentage
14 of the values or a quarter of a percent, so it could
15 work in short-sea shipping, I think. You know, I
16 could be tarred and feathered by customers for
17 offering anything. I mean, no one wants to offer
18 anything, but I did the math for international
19 shipping, and if it was the same for everything, it
20 would be, let's say, a \$70 barrel of crude, this
21 would be 17 and a half cents; a \$100 pair of sneakers
22 would be 25 cents; a \$2 wholesale gallon of gasoline
23 would be half a cent. And as far as our entire
24 economy, it would still generate a lot, but it would
25 have to be across the board to be considered fair.

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1 And I would say there would be probably
2 still some, you know, maybe applications for waivers,
3 but it would be one percent or a couple percent of
4 the trade versus under this system, I think you're
5 going to have 70 percent of the trade asking for an
6 un reasonable or -- you know, accommodations for
7 their trade.

8 MS. SANCHEZ: Thank you.

9 MR. COOK: Ian Cook, Department of
10 Commerce. My question is for Mr. Bravener.

11 On what practical time line could the
12 Chinese-built short-sea shipping vessels in the Great
13 Lakes and St. Lawrence region be replaced with
14 non-Chinese-built vessels?

15 MR. BRAVENER: Thank you for the question.

16 Great Lakes ships operate in a freshwater
17 environment. So Canadian ships tend to last, because
18 of the wear and tear of the St. Lawrence Seaway and
19 operating in the saltwater environment of the Gulf of
20 St. Lawrence, they'll tend to last about 35 to 40
21 years versus a U.S. ship will last, in the upper
22 Great Lakes in freshwater, only about 70 years. So a
23 number of those ships -- we've started replacing our
24 fleets since 2010, so there's a lot of life left in
25 some of these vessels. As recently as -- you know,

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1 as Gregg just touched upon, he took delivery last
2 week of a new vessel that we expect to be here for
3 the next 35 to 40 years.

4 MR. COOK: I guess as a follow-up to that:
5 Are there any incentives that you could think of that
6 would -- for short-sea shippers that would encourage
7 replacement? Other than -- obviously, if there's
8 that long of a lifespan, it's probably a tall order.
9 Are there any incentives that you could think of that
10 could alter that calculus?

11 MR. BRAVENER: Well, as an industry, I
12 think -- and speaking -- I think I could speak for
13 most, that we would be -- that we are very aware of
14 the issue here, and we want to do our part to assist.
15 We just -- the retroactive component is very
16 problematic for us, but going forward, a
17 prohibition or extensive fee structure that would
18 make it prohibitive to build in China, we will be
19 fully supportive -- and there's other countries in
20 the world. And lakers were traditionally built in
21 Canada and the U.S. up until the early 1980s, when
22 the last ones were built. We'd like to have the
23 ability to do that again in the future as
24 shipbuilding is rebuilt over time, but that will take
25 several years to rebuild that capacity.

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1 MR. RUHL: If I could just add to Scott's
2 comments.

3 At the moment, we have 30 lakers and they
4 last around 30 years, so you can figure we'll
5 probably need to replace one at about one a year, and
6 we've done a bit of a renewal now for 12, so we have
7 to replace the rest of the fleet over the next, say,
8 ten years.

9 MR. COOK: Thank you.

10 MR. HARTNETT: Chris Hartnett, Department
11 of Homeland Security.

12 Mr. Dubreuil, you mentioned, your oral
13 comments, strategy -- post-strategy, to build North
14 American shipbuilding capabilities and that your
15 members are having difficulty finding shipyards in
16 North America to place these orders. We're aware of
17 the Canadian National Shipbuilding Strategy that's
18 been going on for several years. So in your opinion,
19 has that strategy been successful? Has it or has it
20 not prevented the loss of sort of North American
21 shipbuilding?

22 MR. DUBREUIL: Thank you.

23 It has -- I'm going to say the national --
24 the Canadian National Shipbuilding Strategy has
25 certainly -- has certainly arrested the decline of

1 the Canadian, at the very least, shipbuilding
2 capability by providing multiple poly-sector
3 contracts to many of the large shipyards in Canada to
4 rebuild our Navy, to rebuild ferries, to rebuild
5 icebreakers. We are now having some very healthy and
6 certainly very capable shipyards.

7 However, the problem with that strategy is
8 double-edged; right? So as much as now our shipyards
9 and expertise remains in Canada, it's also only
10 available to the public-sector contracts. Because
11 the shipyard -- or the national shipbuilding strategy
12 was so front-loaded with so many of these contracts,
13 there was such a significant backlog in these
14 projects. So right now, commercial ships are having
15 trouble finding shipyards because they are competing
16 with this type of project.

17 I can give you an example, a very concrete
18 example. Davie shipyards, in the Quebec region, was
19 recently awarded a \$3.5 billion icebreaker contract.
20 If we were to pass more bids, it would take up the
21 exact same slip, basically the exact same dry dock
22 that they have available for that project. The
23 maximum we would be willing to pay for to build a
24 laker in the commercial sector would probably be
25 around \$150 million. So clearly, for the shipyards,

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1 there's a difference in order strategies there that
2 makes public-sector contracts that much
3 more interesting for them, and of course, we can't
4 blame them for that.

5 What we need to focus on is increasing the
6 capacity overall in North America, so that there can
7 be room for both those public-sector contracts and
8 the expertise that has remained, but also for the
9 private-sector shipbuilding.

10 MR. SULLIVAN: Thank you very much.

11 Just to sort of follow up on that. So as
12 we're considering actions for any U.S. strategy, are
13 there things that they do well that we should
14 replicate? So I understand very much what you're
15 saying in terms of the yards were filled up by
16 public-sector orders, and they couldn't get a
17 private-sector one, but what are the tools that we
18 can actually replicate from that strategy or add on
19 that would address these concerns?

20 MS. DUBREUIL: Very good question.

21 I'm going to say the key element, I think,
22 to replicate and emulate is on everything that
23 touches on the ship maintenance aspect as well. So
24 some shipyards are -- obviously can only do
25 maintenance; some shipyards can do maintenance and

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1 construction. The ones that are, of course, involved
2 in the construction sector are busy with those
3 projects, but they aren't using workforce entirely,
4 they aren't using some subcontractors entirely. So
5 those subcontractors and that expertise is also
6 available for the private-sector maintenance and
7 repair sector, which is also equally as important.
8 Once you bring in a new ship, you still need to put
9 in dry dock every few years, you still need to have
10 some paint projects done, some, of course, equipment
11 updates that are done on a constant basis. So we
12 need to continue to invest in that to make sure that
13 both of those, basically both those tangents in the
14 shipyard sector are going to stay healthy.

15 MR. SULLIVAN: Mr. Friis, can you clarify
16 how many of your 18 vessels are Chinese-built?

17 MR. FRIIS: I certainly can. Right now,
18 we have 18, as I mentioned, and today, only seven are
19 not Chinese, so 11 of the 18, so about 60 percent are
20 Chinese-built.

21 It's worth mentioning that, as some of the
22 other panelists have mentioned, is that most of the
23 ships have been built a long time ago. The last time
24 we took delivery was 2015 of a Chinese-built ship.
25 We have a new order that's being delivered over the

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1 next two, three years. So yeah, it is a high share,
2 but it's been a long time since we've done it. We
3 would certainly welcome the ability to grow the
4 maintenance in the U.S. and to build ships right
5 here. We want the competition.

6 MR. SULLIVAN: Great.

7 And you suggest that the USTR refine its
8 proposal by limiting remedies to vessels that
9 transport cargo over 2,000 nautical miles before
10 reaching the U.S., with a special provision for
11 Hawaii. Can you explain how your recommendation
12 would not create a loophole that would undermine any
13 response to address China's unfair practices?

14 MR. FRIIS: That's a good question. I
15 think there's a lot of details that need to be worked
16 out. At high level, we just think that the 2,000
17 nautical miles, this is where the U.S. economy really
18 ends up getting hurt. I think there is a way, as
19 well as was introduced by Mr. Ruhl, that customers
20 can and will pay a fee if it means assisting the U.S.
21 shipbuilding industry. I think it's just the size of
22 the fee right now is just really hurting them and
23 will kill their business. So I think that's a tweak
24 that I would like to add, that I think there is a way
25 to get funding and people will pay something, as long

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1 as it's allowing them to continue to move the product
2 over time.

3 MR. SULLIVAN: This is Ryan. I have a
4 question for Mr. Dubreuil.

5 Can I ask for your suggestion of the North
6 American pooling of resources in shipbuilding, could
7 you elaborate a little bit further on your strategy,
8 specifically on how the cross-enterprise arrangement
9 would be structured?

10 MS. DUBREUIL: I'm sorry. How the cross?

11 MR. SULLIVAN: The cross-enterprise
12 arrangement.

13 MS. DUBREUIL: Absolutely. I was
14 explaining that earlier, that there are some
15 subcontractors -- so a shipyard obviously employs a
16 number of people, but they don't necessarily -- not
17 all of the people who are working on a ship are
18 direct employees of the shipyard. There's often
19 subcontracting companies that will come in and do a
20 portion of the work. And again, some of these are
21 doing a very specific role in the shipbuilding.

22 So I'm thinking, for instance, you know,
23 ship electricians, for instance, that are installing
24 electrical system on a ship will need to come in and
25 do some work for a few months, maybe a year, while a

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1 new ship is getting built. But after that year, they
2 may not have any work to do at that specific
3 shipyard. So a subcontractor like that is made
4 available to other shipyards in the region. So
5 basically, in the North American region, where there
6 could be some agreements that are made that way. Or
7 even it could be some of the shipyard's own resources
8 that are basically subcontracted to another shipyard,
9 for instance, in creating those types of
10 partnerships.

11 I'll give some examples. But it is not
12 uncommon in Europe, for instance, that the hull of
13 the ship can be built in one shipyard that will
14 specialize in doing that, and then the hull will be
15 towed to another shipyard for the combination block
16 and cargo handling equipment to be installed.

17 So a structure like that will allow some
18 of the existing shipyards to use some of the capacity
19 that they might have to specialize in doing one type
20 of, basically, of -- or one step of the shipbuilding
21 process, and then bring it to somewhere else. And in
22 doing that with that specialization, what we could
23 end up with is basically shipyards that become
24 experts of doing one specific part of this which
25 allows them to reduce the cost, not have huge and

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1 ballooning workforces that sometimes are not always
2 used at 100 percent, and basically be able to spread
3 that amongst different shipyards so that we have more
4 ships being built simultaneously.

5 MR. SULLIVAN: Thank you.

6 MR. BUTLER: Thank you.

7 Mr. Ruhl, I have an additional question
8 for you. Can you explain further how your option 1A,
9 would penalize Chinese vessels' operators if applies
10 to all vessels regardless of where they were built?

11 MR. RUHL: This is the way I've
12 rationalized it. The entire global ship marine
13 industry has built ships in China at one time or
14 another. The question was asked Monday: Who should
15 pay? And I would say all of us should pay a little
16 bit and get all of that together.

17 So option -- you know, the second part of
18 that option is the clear one that is damaging to
19 China immediately, and that is if you order a ship
20 going forward, you will pay a higher fee and it will
21 have a major impact, and, like I said, it's already
22 having a major impact.

23 So -- but the first part is to -- is
24 basically, it's not -- the first part is to generate
25 the funds to create an efficient system, but to

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1 recognize that it's part and parcel to the part of
2 the remedy that was suggested where if you have one
3 Chinese ship, the whole fleet should pay; that's
4 devastating to us, so I'm not advocating for this.
5 But in this case, why doesn't the entire universe of
6 global shipping coming into and out of the U.S. pay a
7 smaller, even fee and that's what's used to generate.
8 And then you don't pick winners and losers,
9 commodities are then provided.

10 MR. BUTLER: Thank you.

11 MR. SULLIVAN: Mr. Ruhl, just curious, in
12 your recommendation for eliminating cargo leveraging,
13 what would the incentive be for Mexico and Canada to
14 participate in a port fee structure?

15 MR. RUHL: Well, I'm an engineer, not an
16 economist, but if they -- if you go to Gills Point
17 where all of North America becomes kind of a hub for
18 shipbuilding, and you know, they're just a huge
19 supply base in furniture, everything, equipment,
20 pumps. So I would suggest to Mexico and Canada that
21 they use the .25 percent to also bolster their
22 shipbuilding capacity and the supply base that
23 supports it. That would be the incentive, that we
24 would be working together on bolstering shipbuilding
25 in North America. If they just take the -- if they

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1 put the 100 percent in and they just put it in their
2 pockets and spend it on whatever they want, but if
3 part of the agreement was let's all spend it on
4 shipbuilding capacity, we create kind of a hub or a
5 cluster in North America of expertise.

6 MR. BAUNACH: Leo Baunach, U.S. Department
7 of Labor.

8 For Mr. Friis, would the proposed remedies
9 lead your company to employ additional U.S. mariners,
10 and are there any other steps that would need to be
11 taken to achieve that role?

12 MR. FRIIS: Thank you.

13 Well, first of all, our company is
14 foreign-owned with five vessels, so we don't
15 currently employ U.S. mariners, but as is known
16 today, there is a shortage of U.S. mariners
17 worldwide. And if it's workable and if it's
18 competitive and they're available, we'll do so. We
19 already, today, are land-based. On the ships, we
20 employ a lot of graduates from Mass Maritime, for
21 instance, because they do bring that knowledge that's
22 critical to us. So absolutely, we would welcome the
23 ability to employ more because there is a shortage of
24 seafarers today, and it's only going to continue to
25 grow.

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1 MR. BUTLER: Okay. Thank you to this
2 panel.

3 We are going to take a quick break and
4 come back at five minutes to 11:00.

5 (Recess.)

6 MR. BURCH: Will the room, please, come to
7 order?

8 MR. BUTLER: Thank you. Welcome back.
9 We're going to start with Panel Nine now.
10 Mr. Gold, you have the floor.

11 MR. GOLD: Thank you for holding today's
12 hearing. My name is Jonathan Gold. I'm the vice
13 president for supply chain and customs policy for the
14 National Retail Federation.

15 NRF is the world's largest retail trade
16 association and empowers the industry that powers the
17 economy. Retail is the nation's largest
18 private-sector employer, contributing \$5.3 trillion
19 annually to GDP and supporting one in four U.S. jobs
20 of 55 million working Americans.

21 A safe, efficient, predictable resilient,
22 and timely supply chain is critical to the success of
23 any retailer. The ability to ensure that products
24 are available for consumers, whether they shop in
25 store or online, is key to the retail supply chain.

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1 A critical component of this supply chain is the
2 maritime sector, which moves a majority of retail
3 goods from their overseas origins to their U.S.
4 destinations.

5 While NRF supports efforts to revitalize
6 the U.S. shipbuilding sector, we strongly oppose the
7 proposed remedies in this investigation. We do not
8 believe that either proposed "per-port service fees"
9 or the export requirements would force China to
10 change its behavior and practices. Instead, they
11 would only result in exorbitant shipping costs for
12 U.S. businesses and further disrupt the maritime
13 market. These proposed actions, if implemented,
14 would have serious ramifications on U.S.
15 competitiveness, supply chain efficiency and
16 security, and U.S. economic security.

17 First, I'd like to note that the U.S. and
18 China have maintained a bilateral agreement on
19 maritime transport since 2003. The purpose of this
20 agreement is to ensure that Chinese and U.S. vessels
21 are provided access to ports and receive equally
22 favorable treatment, including the assessment of
23 duties and other costs.

24 The proposed actions are contrary to the
25 spirit of this agreement. There are concerns that

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1 China will take retaliatory actions to penalize U.S.
2 shippers and shipping interests if these take effect.
3 Any retaliation from China could also unfairly injure
4 the small number of existing U.S.-based ocean
5 carriers when they call at Chinese ports.

6 Second, we question whether Section 301 is
7 an appropriate tool to address China's dominance in
8 the shipbuilding sector and as a means to revitalize
9 the domestic shipbuilding industry. There are
10 alternative tools available to Congress and the
11 Executive Branch to directly revitalize the
12 shipbuilding industry, such as grants, tax
13 incentives, to sector-specific regulations. There
14 are also significant questions in regards to the
15 implementation of these proposed remedies in
16 addressing rebuilding the U.S. shipbuilding industry.

17 Third, the amount of money necessary to
18 make the U.S. shipbuilding industry globally
19 competitive is astronomical and doing so would also
20 take decades. The costs to build a container, bulk,
21 or other maritime vessel would be more expensive as a
22 result of the escalating tariffs on key materials,
23 such as steel, aluminium, and copper. It is
24 unrealistic for the U.S. shipbuilding industry to
25 make the substantial jumps necessary to meet the

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1 proposed actions and in the time frames proposed.
2 U.S. shipping interests, including both importers and
3 exporters, would be materially harmed during the time
4 it would require for the domestic industry to begin
5 making meaningful headway.

6 Fourth, the cost of international ocean
7 shipping has notably grown over the years and would
8 potentially increase due to the proposed service
9 fees. Drewry Shipping has noted that an estimated 80
10 percent of vessels calling at U.S. ports could be
11 subject to these proposed fees. However, only a
12 small number of ocean carriers do not have
13 Chinese-built vessels in their fleets. However, even
14 in those cases, there are questions as to whether
15 they would be impacted by participating in a shipping
16 alliance with other carriers who own or operate
17 Chinese-built vessels.

18 Ocean carriers have indicated that they
19 would pass along the cost of these fees to their
20 customers. Some have indicated that the cost could
21 be between \$600 and \$800 per container -- which is
22 significant considering the current average cost of
23 transporting a container on the transpacific route
24 versus the transatlantic route is \$2,500 per unit.
25 Carriers have also indicated they would be forced to

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1 withdraw services from smaller ports because it would
2 be uneconomical to unload smaller container volumes;
3 that could potentially result in job losses for whole
4 communities.

5 The proposed actions could impact the
6 efficiency and reliability of U.S. supply chains. As
7 ocean carriers shift services away from smaller
8 ports, they will be forced to unload more cargo at
9 larger ports or redirect shipments to Canadian or
10 Mexican ports. The challenge would be for any of
11 these ports to handle significant increases in cargo
12 volumes. We would likely see increased congestion at
13 those ports, which would impact trucking and rail
14 services to and from the ports.

15 In a new study on the probable economic
16 impacts of the four proposed remedies suggested by
17 the USTR, Trade Partnership Worldwide found that, in
18 every instance, the net impact on the U.S. economy
19 would be negative. As higher costs filter through
20 the economy, the wholesale and retail trade sectors,
21 from the stores to restaurants, would see declines in
22 sales and employment.

23 In addition, we also submitted a letter
24 signed by 370 trade associations in opposition to the
25 proposed actions, including importers, exporters --

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1 retailers -- and other stakeholders. NRF members
2 have reiterated these concerns with regard to the
3 cost of the fees being passed along, as well as the
4 impact of the carriers rerouting vessels to minimize
5 the fee impact. There is also concern about the
6 cumulative impact of the multitude of new tariffs,
7 potential reciprocal tariffs, and the port fees on
8 retailers. They would have no choice but to pass
9 along the costs, themselves, to their customers.

10 In conclusion, we believe the costs of
11 these proposed per-port service fees and export
12 restrictions would harm U.S. shipping interests and
13 undercut U.S. competitiveness. In the interest of
14 protecting U.S. businesses, consumers, and supply
15 chains, NRF opposes the proposed actions and
16 respectfully urges the U.S. government to consider
17 other measures for addressing China's dominance in
18 the maritime sector and revitalizing the U.S.
19 shipbuilding industry.

20 MR. BUTLER: Thank you.

21 Mr. O'Brien.

22 MR. O'BRIEN: Good morning. Thank you for
23 the opportunity to testify today. My name is Ken
24 O'Brien, and I'm the president of Gemini Shippers
25 Association. Our not-for-profit shippers association

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1 provides over 350 member companies with the capacity
2 to achieve greater supply chain efficiency through
3 volume, rate, and service agreements with ocean
4 carriers. Collectively, our members represent a
5 total volume equal to that of the top ten importers
6 into the United States.

7 Let me begin by stating: We support the
8 administration's commitment to re-establishing
9 American maritime and shipbuilding leadership. The
10 containership, the backbone of global trade, was
11 pioneered by American innovation in 1956, and
12 shipping remains central to our national economic
13 security. A vibrant U.S. flag fleet, merchant
14 marine, and shipyard industrial capacity and
15 infrastructure supporting them is not optional but
16 essential.

17 That said, while we support the principles
18 that underpin USTR's investigation, we're deeply
19 concerned that this proposed solution, a
20 per-port-call fee targeting ships built in China or
21 operated by a Chinese company, risks doing more harm
22 than good, particularly for American businesses,
23 importers, exporters, and consumers.

24 First, the proposed fee will increase the
25 costs for American shippers and consumers. Our ocean

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1 carrier partners have indicated to us that this fee
2 will be passed on directly to shippers, as a
3 surcharge on their ocean freight bills. This will
4 result in higher container costs to and from the U.S.
5 raising the cost for consumers, ultimately putting
6 inflationary pressure on the economy, which it runs
7 counter to the administration's further economic
8 objectives.

9 Also, the structure of the fee will
10 unintentionally undermine U.S. port resiliency for
11 our infrastructure. Because the fee is designed to
12 be assessed per port call, carriers will likely
13 reduce the number of port calls and load-center into
14 major gateways. Secondary and tertiary ports,
15 essential to both agricultural exporters and regional
16 economies, will be bypassed. This shift -- this will
17 shift work onto U.S. highways and rail networks,
18 further congesting highways, degrading our
19 infrastructure, and increasing inland transportation
20 costs for shippers.

21 Third, the fee will not generate
22 sufficient U.S. shipbuilding capacity in the near
23 term. You know, the hard truth is that the
24 industrial base is not there to build these big
25 container ships. Recently, Matson Line built a

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1 series of 3,600 TEU container ships for roughly
2 \$92,000 per TEU. The latest large container ships
3 built in China of 22,000 TEU were only \$10,000 per
4 TEU, an 89 percent difference.

5 The cost gap is not just due to the
6 shipyards' scale but the entire ecosystem: Steel
7 prices, workforce costs, and the underlying
8 government subsidies. Beyond building costs, U.S.
9 flag operations are 2.7 times higher than their
10 foreign-flag competitors. Without investment, the
11 fees will not bring shipbuilding back, but they will
12 harm U.S. commerce.

13 So we offer the following policy
14 alternatives: We think you have to build the
15 shipyards first. We believe there needs to be a
16 coordinated multi-agency plan to rebuild the shipyard
17 industrial base, starting with targeting investments
18 in core facilities and the labor force, because it's
19 really a marathon not a sprint.

20 Right now, we have about 200 deep-sea
21 ships in the United States out of 56,000 sailing
22 today. This problem took decades to create and it's
23 not going to be fixed overnight. We have to have a
24 comprehensive, stepwise plan to build the capacity
25 without hampering the current economic growth.

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1 I think we also have to target high-impact
2 vessels. We don't really need to rebuild the entire
3 global container fleet to regain our maritime
4 sovereignty. Instead, I think we should focus on
5 vessels which serve our national security strategic
6 sealift purposes, things such as LNG,
7 roll-on/roll-off, high lift sealift ships. These are
8 the ships that will ultimately support the U.S.
9 military, that the military relies on, and that maybe
10 we have a domestic industrial competitive advantage
11 if we build them here.

12 We have to incentivize the U.S. registry.
13 Rather than punishing the presence of foreign-built
14 ships, we need to create tax crewing and operating
15 incentives for foreign-flag operations to reflag
16 under the U.S. flag. The U.S. should make it more
17 convenient to sail under the U.S. flag than under a
18 flag of convenience, as most do today.

19 We also need to phase in fees as the
20 capacity starts to exist. Any fee structure intended
21 to disincentivize Chinese-built ships should be
22 introduced only after U.S. yards can meet market
23 demand and should target specific ship classes that
24 the U.S. is strategically positioned to build. A
25 blanket fee with no capacity backup is simply a tax,

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1 not a policy.

2 Chinese dominance in shipbuilding is not a
3 market accident but a result of a multi-decade,
4 state-backed industrial policy focused on subsidized
5 shipping to support its exports-driven economy. We
6 must invest with equal seriousness and purpose to
7 rebuild our maritime strength.

8 In conclusion, while we support the
9 administration's underlying mission, we caution
10 greatly against policies that will shift costs onto
11 the American businesses and families without
12 delivering a corresponding benefit.

13 Thank you.

14 MR. BUTLER: Thank you.

15 Mr. Diaz.

16 MR. DIAZ: Thank you for this opportunity.
17 I wish the best for all thoughts of making America
18 and Americans successful. This proposed action will
19 be disruptive to general trade in and out of the U.S.
20 and will place financial and unintended consequences
21 on Americans and small businesses who have no
22 culpability in this crisis. These are Americans that
23 only acted with the great spirit of American
24 entrepreneurship.

25 I've been in the maritime industry for

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1 30 years. I started with Lykes Lines, and then I
2 moved CP Ships, outside roles, and I was also an
3 NPOCC for many years.

4 Today, I'm the chief operating officer of
5 World Direct Shipping, which is a niche short-sea
6 maritime carrier that functions from Mexico into the
7 U.S. We have over 150 calls per year in small Port
8 Manatee, Florida; that means \$150 million, according
9 to the proposed actions. This proposed action will
10 be a disruption of trade, of international trade.

11 On a macro basis, ocean carriers will
12 avoid U.S. ports, causing higher freight rates.
13 Domestically-sourced and internationally-sourced
14 cargo prices will increase, and the ones who will pay
15 for this will be American consumers.

16 Ports: Smaller ports will be outbid.
17 Carriers will avoid small ports and some carriers
18 will also call Canadian and Mexican ports, and just
19 cross-border the cargo to avoid the fees. Other
20 carriers will only call at one port instead of
21 multiple ports, making congestion, putting a lot of
22 pressure on local municipalities and highway
23 structures to get all their cargo to the final
24 destination. Of course, all this impacts higher
25 costs, shortages, and failures.

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1 Environmental: Truck and rail have higher
2 carbon emissions than ocean; that's another impact.

3 Additionally, exports are going to suffer.
4 73 percent of global multipurpose vessels are PRC
5 manufactured.

6 This proposed action will have tremendous
7 impact on U.S. exports.

8 To revitalize and resurrect the maritime
9 industry, the USTR should establish the appropriate
10 foundations to harvest a new maritime industry. They
11 should incentivize, not penalize, and this a penalty,
12 a penalty against Americans who just acted out of
13 goodwill.

14 Some of the subsidy USTR should consider:
15 Exempt short-sea carriers. These carriers have a
16 vital role in transportation. They reduce rail and
17 truck congestion on roads. They also reduce border
18 issues, such as illegal immigration, human
19 trafficking, and drugs.

20 Lease to U.S. private sectors old,
21 retired, or obsolete military sea installations for
22 the purpose of shipbuilding/ship maintenance.

23 Eliminate the failed Jones Act, that will
24 increase the demand for maritime transportation.

25 Place incentives for all U.S.-made vessels

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1 when calling U.S.-funded ports and terminals. This
2 means discounts for port dues and terminal charges.
3 After all, all these ports are federally funded and
4 yet, we have one of the most expensive port system in
5 the whole world.

6 We should also grandfather those
7 PRC-manufactured ships that have been calling the
8 U.S. for years before any kind of proposed action.

9 The fees are also exorbitant. If you
10 propose these fees, a lot of niche short-sea carriers
11 will be out of business, a lot of small businesses
12 also.

13 M&R facilities: Incentivize
14 ships/carriers to use U.S. facilities. Ships that
15 have a certain percentage or amount of maintenance or
16 repairs done in the U.S., should receive special
17 waivers. American shipbuilding needs to reestablish
18 itself in repairing ships.

19 As I stated before, I'm the chief
20 operating officer of World Direct Shipping, an
21 American family-owned business. We created WDS in
22 2014 with the mission to create a commercial highway
23 between the Mexico and the U.S. Our hope was not
24 only to make this viable but also to improve the
25 lives of people we touch in the areas that we

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1 operate.

2 WDS owns three ships. Two of those ships
3 are PRC ships. These ships were purchased used, and
4 the purpose was not to support the PRC, nor to
5 disparage U.S. shipbuilding, but to fulfill our
6 entrepreneurial mission. In 2023, WDS created 16,000
7 jobs and generated 2.6 billion of economic value and
8 we also contributed 94.8 million of state and local
9 tax revenue. All of this is in jeopardy.

10 The proposed action cannot force the
11 market to use American-made ships, because they are
12 strictly unavailable. You all have a very important
13 task to protect and increase U.S. strength. This
14 proposed action will be punitive to American
15 operators for legal purchasing decisions made years
16 ago. To succeed, instead of cutting down existing
17 business, start laying the seeds to create new ones.

18 Thank you.

19 MR. BUTLER: Thank you.

20 Mr. Brzytwa.

21 MR. BRZYTWA: Good morning. My name is Ed
22 Brzytwa. I am vice president of international trade
23 at the Consumer Technology Association. Thank you to
24 USTR and the interagency members of the Section 301
25 Committee for the opportunity to testify today on the

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1 important documented problems USTR has identified and
2 the actions it has proposed.

3 CTA represents the more than \$537 billion
4 U.S. consumer technology industry, which supports
5 more than 18 million U.S. jobs. Our members include
6 over 1,200 companies from every facet of the consumer
7 technology industry, with 80 percent being startups
8 and small business. We also own and produce CES, the
9 most powerful technology event in the world, which
10 showcases international policies concerning existing
11 and new technologies.

12 The proposed actions and their obvious
13 negative impact on the U.S. economy are of such
14 concern to CTA members that we felt compelled to
15 sponsor the Trade Partnership Worldwide study that
16 has been submitted to you in written comments and
17 also to sign the letter to Ambassador Greer with over
18 300 business organizations. We are taking this
19 very seriously because we think this is going to
20 negatively impact the economy and harm consumers
21 ultimately if you take forth all these proposed
22 actions.

23 So we have alternatives to suggest to you
24 in our written comments and in our testimony today.

25 First, we strongly recommend that the U.S.

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1 Trade Representative seek collaborative measures with
2 international allies and partners. That may not be
3 en vogue, but we think it's an important
4 recommendation. By working together we can
5 distribute the burden and prevent any single nation
6 from experiencing disproportionate economic impacts.
7 Multilateral solutions are undoubtedly more effective
8 in countering anti-competitive practices and ensuring
9 a level playing field in the global market than
10 unilateral actions, which is what USTR is proposing.

11 Second, the proposed actions must be
12 proportionate, narrowly tailored, and precisely
13 targeted. We must address the specific practices
14 considered unreasonable without causing undue harm to
15 U.S. stakeholders. Therefore, we recommend that the
16 USTR refrain from implementing fees on PRC-built
17 ships entering U.S. ports, as such measures could
18 adversely affect the U.S. economy and consumers, as
19 the Trade Partnership Worldwide Study indicates. We
20 are already experiencing tremendous uncertainty with
21 respect to other policy proposals by this government
22 and this would add to that uncertainty and those
23 burdens on U.S. consumers.

24 As an alternative, we suggest the USTR
25 explore other actions to encourage more shipbuilding

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1 in the United States. One such action could involve
2 collaborating with international allies to promote
3 investments in U.S. shipbuilding operations as a
4 matter of national security. By fostering
5 partnerships with countries that have robust
6 shipbuilding industries, the U.S. can attract foreign
7 direct investment, technology transfer, and expertise
8 to bolster its domestic shipbuilding capabilities.

9 The administration could also work with
10 Congress on policies to enable both domestic and
11 foreign companies willing to establish or expand
12 shipbuilding facilities in the United States. These
13 measures should incentivize and spur shipbuilding
14 efforts, enhancing the competitiveness of the U.S.
15 shipbuilding sector, and creating jobs, and
16 stipulating economic growth.

17 U.S. technologies play an essential role
18 in reviving the shipbuilding industry. Technologies
19 that CTA members have invented, innovated, and
20 developed. The administration should work closely
21 with the U.S. tech sector to ensure that our
22 shipbuilding practices are technologically
23 sophisticated, scalable, and cost-effective, enabling
24 the U.S. to compete effectively with China in concert
25 with our allies.

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1 Lastly, if the administration imposes
2 remedies, if it does, we urge it to provide a
3 transition period or delayed implementation, allowing
4 time for businesses to adjust to these changes
5 smoothly.

6 In conclusion, while the CTA supports
7 efforts to address unfair trade practices, we urge
8 the USTR to consider the broader economic
9 implications and adopt measures that are balanced,
10 targeted, and developed in cooperation with
11 international partners. Our goal is to ensure that
12 any actions taken effectively address the issues
13 without causing significant harm to U.S. commerce and
14 industry.

15 Thank you for your time and consideration.

16 MR. BUTLER: Thank you.

17 Our questions will start with USDA.

18 MR. STEPHENS: I have a question for
19 Mr. Gold.

20 You testified that the proposed fees will
21 result in cost increases of hundreds of dollars per
22 container for cargo owners. How would these cost
23 increases translate to the retail prices that
24 consumers might pay?

25 MR. GOLD: Thank you for the question.

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1 I think there are a lot of issues in that.
2 Retail prices, when you look at the price of the
3 average container with the average rate right now of
4 \$2,500 and you're adding six to eight hundred dollars
5 to that cost, that's significant, on top of the
6 additional tariffs that companies are paying right
7 now as well. So it all adds up. I couldn't tell you
8 exactly what the price impact of that is going to be,
9 but it's certainly not going to be small, especially
10 for small businesses who don't have the ability to
11 really pass on those costs; there's significant
12 concerns for them about their ability to stay in
13 business at this point in time.

14 MR. STEPHENS: Thank you.

15 MR. BUTLER: Next question is for
16 Mr. O'Brien.

17 How can the proposed actions be designed
18 so as best to counter China's unfair practices? How
19 can the proposed actions be designed to minimize
20 pass-on to cargo owners?

21 MR. O'BRIEN: Thanks for the question.

22 So I mean, I think the hard part in it is,
23 of course, in the deep-sea trades, you know,
24 foreign-owned shipping companies, you know,
25 ultimately will pay the fee, and then how do you stop

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1 it from being passed on to ultimately their customer,
2 the shipper? And having spent over 20-plus years
3 doing pricing for ocean shipping companies, I can say
4 that is simply supply and demand. If -- you know,
5 ships are moveable; right? If they can't make money
6 here, they'll move the ships to other trade routes,
7 and we've seen that happen in the past.

8 And so generally, if supply and demand is
9 in the favor of the shipping company, that'll come
10 down as a surcharge. If supply and demand is in
11 favor of the shipper, maybe they'll have to absorb
12 that surcharge. But today, there's no -- inside the
13 Federal Maritime Commission, OSRA of 2022, Shipping
14 Act of '84, where there's nothing today that's
15 stopping a shipping company from negotiating a price
16 with their shipper, and if they have the ability to
17 pass that on, there's really nothing today that, you
18 know, the federal government can do to stop it. So
19 really the shippers are actually at the mercy of the
20 shipping companies and, really, that's its policies.

21 MR. BUTLER: Thank you.

22 MS. BONNER: Mr. Diaz, this question is
23 for you. In your submitted written testimony, you
24 mentioned that you propose placing incentives for all
25 U.S.-made vessels when calling in U.S.-funded ports

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1 and terminals. You stated this means discounts for
2 port fees and terminal charges, makes no sense that
3 that Americans finance these port installations and
4 service costs are the highest globally.

5 Could you please expand on this statement
6 and your views, and maybe discuss any of these
7 prices, and I might have a follow-up.

8 MR. DIAZ: Okay. So in that excerpt you
9 just read, basically, in the -- for the U.S.-flagged
10 carriers was to give an incentive or discount to
11 these U.S.-flagged carriers when calling a
12 U.S.-funded port. Now, most ports are being funded
13 by Department of Transportation on federal funds, and
14 our ports and terminals in the United States are
15 among the highest cost in the whole world, and these
16 are all American funded. So the idea is to give a
17 discount and incentivize, you know, the U.S.-flagged
18 ships. My idea behind everything is always
19 incentivize, not penalize. And you know, I see that
20 what's happening with these fees is a penalty. I
21 think if you incentive, you're going to get a lot
22 more bang for your buck.

23 MS. BONNER: Thank you.

24 Just as a follow-up, in your concept
25 of incentivizing, do you believe that this would

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1 incentivize the purchase of U.S. ships or just
2 flagging?

3 MR. DIAZ: I think with -- well, also -- I
4 also -- one of my answers is to eliminate the Jones
5 Act, maybe not eliminate but modify. The Jones Act
6 that the United States has is one of the most
7 strictest cabotage laws in the whole world. You
8 know, they've got three facets: Of course, it's got
9 to be owned by American, crewed by American, and
10 shipped by the manufacturer. I'd alleviate some of
11 those rules, and maybe if you want to stimulate more
12 of the maritime industry, maybe make that a
13 requirement but don't make it be U.S.-manufactured
14 ship. I think it's like Mr. O'Brien next to me just
15 said, is that you have to start somewhere, and we're
16 trying to get the ball on the five-yard line, and you
17 know, we haven't received the kickoff yet. So that's
18 the idea behind it.

19 MR. VAN PATTEN: Tyler Van Patten,
20 Department of Treasury.

21 Mr. Brzytwa, what alternative action would
22 you propose that will not undermine the goal of
23 reducing inflation while at the same time
24 appropriately countering China's unreasonable
25 targeting of the maritime sector?

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1 MR. BRZYTWA: Well, I think that working
2 with our allies is critical here. I know that's a
3 difficult prospect for the U.S. government, but we
4 have very strong, robust, and historic allies that do
5 have tremendous capacity for shipbuilding: Japan,
6 Korea, across European countries. For any of you who
7 have ever taken a cruise ship, they're very likely
8 made in Europe. I mean, why would we need to
9 reinvent the wheel? I think we should invite our
10 allies to work with us to build shipbuilding capacity
11 in the United States. And that's not necessarily
12 going to deter China from building ships, but it's
13 going to create a greater scale and more capacity,
14 where if we just try to do it by ourselves, we might
15 not ever achieve the objective.

16 I also think that reducing the burden that
17 companies face when it comes to inputs, particularly
18 producing tariffs on inputs for shipbuilding would be
19 incredibly valuable. And again, I know that's not
20 something the U.S. government might want to hear but
21 we have a very -- an increasingly high-cost
22 manufacturing environment in the United States. It
23 has deterred many companies from choosing the United
24 States as a place to manufacture. And I'm telling
25 you, in the technology industry the tariffs on

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1 inputs, in particular, have been the biggest
2 impediment from choosing the United States as a place
3 to manufacture. And if we continue down this route,
4 this tariff route that seems -- that we seem to be
5 on, it might not lead us to a place where we can
6 manufacture in a cost-competitive way, vis- -vis
7 China, and build ships, for that matter.

8 MR. SULLIVAN: Mr. O'Brien, you mentioned
9 targeted investment in core facilities and labor
10 force development and also create tax breaks for
11 operating incentives. Where would this money come
12 from to do all of this?

13 MR. O'BRIEN: Thanks for the question.

14 So I guess I would say that when we look
15 at how we've invested as country over the last five
16 decades, if it's something that's important, we've
17 made the money appear; right? And so I'm not saying
18 that flippantly, I just don't think there's a direct
19 correlation between tying it to an import container
20 and building a shipyard. There's just not a --
21 there's not a cause and effect there.

22 And so how could you do it? I think
23 investment tax credits is a great way to do it, and
24 it's a great start. I think you also have to look
25 at, you know, for shipyards, and one of the speakers

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1 in the first panel talked about, you know, shipyards
2 that are really about repair and maintenance versus
3 new builds. If you look at our new-build shipyards
4 today, they are largely focused on military complexes
5 and that work, of course, and so would a commercial
6 ship ever fit in there? I think if you gave them an
7 incentive to do that through taxes. You know, these
8 are U.S. companies, and so there is a U.S. tax base
9 there. So I think a lot of it can be done through
10 incentive versus a tax.

11 MR. SULLIVAN: So would you argue that the
12 public sector should fund a lot of this, this same
13 public sector that's funded by taxpayers, who are
14 also consumers?

15 MR. O'BRIEN: I would argue that there's
16 certainly a misallocation of costs to directly tie it
17 to an importer. I think it makes more sense,
18 personally, to tie it to the broader base of U.S.
19 policy, and so that is truly all of us versus just
20 some of us.

21 MR. SULLIVAN: I have a follow-up question
22 for you. You mentioned national security and
23 targeting specific sectors, and I think that's
24 admirable, we've done that for a very long time. But
25 in the Merchant Marine Act of 1936, it states, "we

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1 shall have a merchant marine sufficient to carry
2 substantial part of the waterborne export and import
3 of foreign commerce." So do you believe the United
4 States should not be in the business of supporting
5 foreign commerce?

6 MR. O'BRIEN: So I would start -- I would
7 go all the way back to Allen Mahan's that "we're a
8 maritime nation", at the end of the day, and foreign
9 commerce is really the underpinning backbone of our
10 economy. And so, no, I think supporting maritime
11 commerce is super important.

12 That said, I think if you look at the
13 Transpacific, just as one trade lane, the largest
14 trade lane in the world, 26 million containers a
15 year, does the U.S. merchant fleet have the import on
16 U.S. hulls, U.S.-built ships, all of them, absolutely
17 not, in my opinion. I don't see the value there. I
18 think what we do need is a sealift capacity to where
19 we can have a presence and determine our own fate as
20 a nation to some degree. And so should we be able to
21 carry trade in a time of war? Should we be able to
22 carry on commerce with everyone we're not fighting
23 with? Yes. Should we be able to carry our military
24 goods and support our military outposts overseas?
25 Absolutely. Do we need to be able to carry every

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1 single thing? I just don't see it. I think we
2 should really focus on what's most important, tying
3 it back to national security and defense, and then
4 working our way back to things that are less
5 critical.

6 MR. BUTLER: Thank you.

7 First, I just want to remind the room that
8 there are no cameras, video, or audio recording
9 allowed during the hearing.

10 I also have a question for Mr. Gold. The
11 U.S. has programs like Title XI, Federal Ship
12 Financing, and the Capital Construction Fund, yet
13 China's dominance in these sectors has persistently
14 increased. Can you explain further your suggestion
15 to employ grants and tax initiatives?

16 MR. GOLD: Thank you for the question.

17 I think we have to look at all options on
18 the table. I think looking at the Title XI, the
19 Capital Construction Fund, for ships, the SHIPS Act,
20 that is something we take a look at, that kind of
21 incentive to bring more money towards new
22 shipbuilding. I think identifying what are the key
23 barriers, what are the real financial needs that are
24 needed for the yards, for the workforce, all that
25 needs to be taken into consideration.

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1 So I think the administration needs to
2 evaluate all the options that are on the table and
3 see what makes the most sense. So I think inviting
4 the carriers and others, shipbuilders, all to have
5 this conversation to figure out what works, what
6 won't work, how do we spread the cost around, I think
7 it needs to be taken into consideration.

8 I think if you're going to move forward
9 with these proposed fees, I think the government
10 needs to take a look at its own economic analysis, is
11 this actually going to work? Are the monies going to
12 be available? I think you heard earlier on the first
13 day panel that these fees alone aren't going to help
14 to improve the U.S. shipbuilding.

15 So, again, looking at how do we
16 incentivize the shipyards? How to make sure we have
17 the right skilled workforce, which has been a huge
18 issue that hasn't been discussed. You know, all that
19 needs to be taken into consideration. So it's more
20 research on what are the options available, you know,
21 the financing, the grants and other available funding
22 for financing, is an important part of this whole
23 process.

24 MR. BUTLER: Thank you.

25 MR. SULLIVAN: Mr. Gold, just to follow up

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1 on one of your answers from earlier providing the
2 adding up of the fees that would be passed on to the
3 consumer base. Is your testimony, on Monday and
4 today, about alternative fee structures, based on the
5 value of the cargo and other assessments, how would
6 those potential alternative fee structures impact the
7 negative elements that you're describing today?

8 MR. GOLD: Look, any fees that can be
9 assessed on the carrier can be passed on to the cargo
10 holder. At that point, the cargo holder has to make
11 a determination on how much that is going to be
12 passed on to the consumer. But that minimum fee
13 structure, that's always going to be passed on, but
14 it's important to understand that, as Mr. O'Brien
15 said, this is part of the oceanic contract. The
16 carriers are going to pass along this cost, not
17 necessarily depending on the ocean carriers but on
18 the cargo holders.

19 MR. SULLIVAN: Mr. Diaz.

20 MR. DIAZ: Yeah, let me expand on that.
21 It's basically -- Mr. Gold is correct, as a carrier,
22 we're going to go ahead and assess the ship. Now,
23 how we do it, may be different. It may not be a net
24 percentage basis; right? We may say, for example, if
25 the fee is assessed to us -- we may assess on a per

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1 container basis, maybe \$50 or something like that,
2 all right, instead of a per value. A per value, it
3 becomes -- in my business, which is short sea, it
4 becomes very difficult to assess. We have a three
5 day transit, so we have to do the documentation and
6 get the invoices out. So we want to say, hey, every
7 time you ship with us, it's going to cost you \$50
8 extra per container for this -- for the USTR or for
9 the PRC.

10 MR. GOLD: Another thing I'd like to add
11 really quick, too, that you've got a lot of importers
12 and exporters that are under contract negotiations.
13 This is the time when the ocean carriers are trying
14 to figure out what the regional rates are going to be
15 for next year. There's some chaos and confusion in
16 these contract negotiations, on both sides. So they
17 don't know if there's going to be a fee and, again,
18 how the carriers are going to assess it. So I think
19 that's something else that needs to be taken into
20 consideration, how these contracts are done, trying
21 be wrapped up in May. And right now, there's a lot
22 of uncertainty in what this means for the markets
23 going forward.

24 MR. SULLIVAN: Thank you.

25 And, Mr. Diaz, a follow-up for you. When

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1 you're discussing amendments to the Jones Act
2 requirements for the U.S. manufacturing and
3 shipbuilding, it seems, when you talked about
4 incentives, carrying cargo would be a prime
5 incentive, at least when it comes to
6 U.S.-manufactured ships, the requirement, as it's
7 been filed, the creation to carry cargo across the
8 trade, how would we potentially leverage that cargo
9 incentive on a more broad basis to ensure U.S.
10 manufacturing? Essentially, how do we create that
11 demand for U.S.-manufactured ships, potentially
12 leveraging cargo carrying as the incentive that you
13 described?

14 MR. DIAZ: Well, speaking on the oceans,
15 first, obviously, the Pacific and the Atlantic and
16 the Gulf, port to port, eliminating those
17 restrictions would be very helpful and I think it
18 would create a larger demand. Also, that includes
19 the shipments to the islands, Hawaii and Puerto Rico.
20 The more demand that you could put into that, the
21 more supply that you will encourage. And also,
22 easing the restrictions is going to lower the prices,
23 the prices of the cargo. Because right now, it's --
24 you get on a U.S.-flagged ship, it's very expensive.
25 So a lot of consumers are avoiding it. They rather

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1 just go road or rail, it's cheaper. So there is a
2 competition. And take it first hand, my competitors
3 are trucks. So I'm competing with cross-border
4 traffic from Mexico to the U.S., so I compete every
5 day with these trucks; right? And that's what these
6 port to port -- they are competing against trucks and
7 rail. So if you can create a better demand to go
8 port to port with U.S. flag and also ease U.S. flag
9 requirements, you will start increasing supply, and
10 you'll see a lot more people interested in getting
11 into that business.

12 Now, whether you ease the U.S.
13 manufacturing part or the crewing, that remains to be
14 seen; that would need to be analyzed a little bit
15 more.

16 MR. SULLIVAN: Mr. Gold, you mentioned our
17 bilateral maritime transport agreement with China.
18 Do you believe USTR's conclusion in the report speaks
19 to China undermining that bilateral maritime
20 relation, or do you feel like USTR's conclusion was
21 incorrect?

22 MR. GOLD: If it's okay, let me get back
23 to you with the answer on that.

24 MR. SULLIVAN: Thank you.

25 MR. KAMENSKY: I have a question for Mr.

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1 Brzytwa as well. Could you elaborate a little bit on
2 how the proposed action would impact the decisions of
3 your members, that is the consumer technology
4 companies?

5 MR. BRZYTWA: So as I said at the
6 beginning of my testimony, 80 percent of our members
7 are small business startups. This means that -- that
8 when it comes to importing, there's a
9 disproportionate impact of any measure that increases
10 their costs. So look at the COVID-19 pandemic, the
11 shipping rates, especially for containers, went up,
12 like skyrocketed to historic levels. The small
13 business members, especially the startup members who
14 had a limited amount of capital, they had to
15 reallocate resources towards paying for importing the
16 products that they had made in other countries;
17 right? They're U.S. companies, but they couldn't
18 manufacture in the United States. They had to import
19 those products and they're paying for containers in a
20 way that they didn't anticipate.

21 And it's the same way for increased
22 tariffs. They -- I've had some of our members tell
23 us that they didn't have the immediate resources
24 to -- they paid the tariff, but they're not going to
25 get paid by their customer for several weeks or

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1 months and, therefore, it's unclear whether the
2 company could remain viable. I mean, if we impose
3 these fees as a country on, you know, U.S. ships
4 entering U.S. ports and the pass through happens all
5 the way down the supply chain to the shippers and
6 then, ultimately, to the customer, the small
7 businesses, they're going to be harmed because of the
8 price increases that they have to impose might
9 increase the cost of the product where they lose
10 market share, they lose their customers entirely.

11 And so that's the real risk here is that
12 we're creating such a high-cost structure that the
13 U.S. businesses cannot supply the U.S. market, at the
14 end of the day. They cannot supply product in an
15 affordable way. And that's the biggest concern for
16 our members, is that, you know, the margins are thin
17 already and now, we're creating even thinner margins
18 through these types of proposed actions.

19 MR. SULLIVAN: Mr. Gold, you have concerns
20 about China invading U.S. ports through a lot of our
21 ports. Do you think that a land border fee would,
22 you know, be sufficient to stop that evasion?

23 MR. GOLD: The short answer is yes. Look,
24 I think there's been an awful long discussion about
25 putting an HMT perming tax title fee on Canada and

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1 Mexico. There was a discussion back in 2010, 2011.
2 There were concerns from Pacific Northwest ports
3 about so-called conversion to those ports being the
4 offshore choice, and when carriers and retailers
5 decided what ports they wanted to go. You know, the
6 Canadian ports filed VHO, again, China to. They sail
7 again from China to North America, give three days to
8 Chicago. So we didn't see HMT as an issue, but I
9 think putting a land border fee, again, is the issue
10 of just upping the costs for, you know -- raising
11 for -- what's the end goal here? What are we trying
12 to do? Fee upon fee upon fee, tariff, tariff, tariff
13 is causing concern and impact to the economy.

14 MR. BUTLER: Thank you. Thank you to this
15 panel.

16 I want to remind you that any additional
17 material you can submit in your post-hearing
18 comments. We're just going to take a few minutes for
19 a break and start the next panel, and so let's
20 reconvene at 11:40, please.

21 (Recess.)

22 MR. BUTLER: Thank you.

23 So we're at the beginning of Panel Ten. I
24 just want to remind everyone to, please, bring the
25 microphone close to your mouth and please project, so

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1 the court reporter can hear everything. For those of
2 you up here, please say your name and before you ask
3 any questions and your agency, so we can keep an
4 accurate record; appreciate that.

5 So let's start with Mr. Friedmann.

6 MR. FRIEDMANN: Good morning. Good
7 morning. Thank you very much.

8 Peter Friedmann, executive director of the
9 Agriculture Transportation Coalition - AgTC. The
10 Agriculture Transportation Coalition has been cited
11 by the Journal of Commerce as "the principle voice of
12 agriculture exporters in U.S. transportation policy."
13 That's what they say. And we've been that for quite
14 a few decades. Actually, the AgTC, as I'll refer to
15 it as, is comprised of the U.S. Agriculture and
16 Forest Products exporters and importers primarily,
17 but also importers nationwide, in all commodities, in
18 all states.

19 As we take a look at this proposal, I
20 think, initially somebody has not done their
21 homework. There's some basic mathematics that just
22 hasn't been done. This is different than tariffs.
23 This is sanctions on our own economy. I didn't think
24 that was necessarily the objective of any
25 administration to impose sanctions on our own

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1 economy, and here's why: There's nothing that we
2 produce in agriculture or forest products in this
3 country that cannot be sourced from somewhere else in
4 the world. If we can't deliver affordably and
5 dependably to our foreign consumers, those foreign
6 consumers have plenty of alternative sources they can
7 go to. And I'm going to give you some examples of
8 what happens when we don't do the math, and we don't
9 do the homework, specific in the testimony that's
10 been provided in front of you, and you will see that
11 the specifics show you why the proposed remedies in
12 this Section 301 proposal threatens the very
13 existence of large segments of U.S. agriculture and
14 large segments of this country that depend on
15 agriculture. So let me proceed to give you some
16 examples.

17 Where I say there hasn't been some
18 homework, it doesn't appear there's been any analysis
19 of the price sensitivity of global agriculture trade.
20 It also doesn't appear there's been any analysis as
21 to the fungible nature of global agriculture trade,
22 and I'll illustrate it with this: The hogs in China,
23 they don't give a damn where those soybeans come
24 from. Whether they come Minnesota, North Dakota or
25 Brazil, they don't care. There's no branding on

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1 there. There's no swoosh. There's no three stripes.
2 They don't care. Same for all our agriculture, they
3 don't care where it comes from. And U.S.
4 agriculture, as it is, is already fending off
5 countries that are sourcing the same products that we
6 are shipping.

7 So proposed here for you all -- and I can
8 read you some, but you have it in front of you -- how
9 sensitive are these products?

10 Let's start with almonds, huge export
11 product from California central valley, and it's
12 always been one of those -- I couldn't say there's
13 one product that we produce in agriculture that
14 cannot be sourced elsewhere in the quality and the
15 quantity that we do here; that used to be true up to
16 about a year ago. Australia has moved into that
17 market now. With the fees you're proposing in this
18 Section 301, the fees you're proposing in -- on the
19 ship, and it's -- listen, already been stated the
20 ocean carriers, just like any carriers, trucking
21 company, airline, they're going to pass on those
22 costs to their customers. They have to do it to stay
23 in business.

24 Those would increase the price of the
25 market by two cents per pound. The market today is

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1 3.15 when you're selling to India, for example, \$3.15
2 a pound; this will increase it to \$3.17 a pound.
3 That's two cents above the market, you're out of the
4 market. It isn't that they buy less, they buy none
5 from the U.S. They you go through here for forage,
6 which is hey, alfalfa, \$30 per ton. It will increase
7 the price that we have to pay receive; that knocks
8 you out of the market completely. And we go through
9 lumber \$75 a cubic meter; this will increase the cost
10 of delivered, knocks U.S. out. There's plenty of
11 competition when you're selling to China, for
12 example, Chile.

13 MR. BURCH: Your five minutes has expired.

14 MR. FRIEDMANN: It has -- I'm sorry. I
15 didn't watch. Thank you. There's a lot more good
16 stuff right in here.

17 MR. BUTLER: Thank you, Mr. Friedmann.
18 Mr. Gale.

19 MR. GALE: Good morning. Thank you for
20 the opportunity to testify. My name is Jerry Gale,
21 I'm Dole's chief legal officer. Like the great
22 majority of those offering testimony Monday and
23 today, Dole supports the efforts to revitalize the
24 U.S. shipbuilding industry. We have serious concerns
25 about the proposed action as written. Shipping is a

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1 big part of our 175 history. At Dole, while we are a
2 relatively small shipowner, we are the largest
3 fresh produce company in the world, with the most
4 recognized brand and we are the largest supplier of
5 bananas in the U.S. We have been using our own
6 specialized vessels for bananas from the beginning.
7 Bananas are not only important to Dole; however, they
8 are also a critical part of the U.S. consumers' daily
9 diet. Looking at the slide that's attached to my
10 testimony, as shown on Slide 1, bananas are purchased
11 by about 74 percent of American households, more than
12 any other fruits. Slide 2 shows that U.S. shoppers
13 made more trips to the grocery store to buy bananas
14 than any other staple, more than milk, two times as
15 often as eggs and three times as often as bread. And
16 on Slide 3, you'll see that bananas have by far the
17 shortest cycle of days between purchase among all
18 fruit and that bananas are off store shelves at a
19 higher rate than any other staple. Four times faster
20 than milk, six times faster than eggs and 15 times
21 faster than bread. On Slide 4, despite meeting all
22 those demand focus categories, bananas have the
23 lowest cost of all fresh produce. The average
24 shopper spends two and a half times less on bananas
25 than the closest competitive fruit out there and

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1 despite buying bananas so frequently. That lower
2 retail price makes bananas a critical part of U.S.
3 food security and affordable nutrition for Americans,
4 but it also results in a very low profit margin.
5 Because bananas cannot be grown in the U.S. and
6 cannot be store, it is critical to get that fruit
7 from the farm to the stores as quickly as possible.
8 High efficiency and low costs are both critical.
9 Underscoring this, the fresh produce trade is unique
10 among U.S. importers. Bananas must stay cool and
11 must remain in a controlled atmosphere or the
12 ripening process will begin and the fruit will rot.
13 We must use small ships that can handle 100 percent
14 refrigerated containers. And those vessel are very
15 rare in the global shipping market. Because almost
16 every American buys bananas almost every time they go
17 to the grocery store, we have to deliver fresh
18 bananas at the same time every week or grocery store
19 shelves will be empty. To make this happen, we make
20 over three hundred U.S. port calls a year. Slide 6
21 shows our weekly shipping routes. When delivering we
22 have to use small regional ports because they are
23 willing to give us preferred birthing rights so that
24 our ships can be unloaded immediately upon arrival
25 and keep moving. We cannot accept the congestion and

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1 unpredictability of larger ports. Large shipping
2 companies use a three-day window, for example, in
3 determining whether a ship is on time, but Dole uses
4 a four-hour window. And Slide 7 shows the relative
5 size of the ports that we use. Putting all this
6 together, the proposed fees will cost Dole more than
7 two times the total cost of running our entire U.S.
8 fleet, which is, itself, the most expensive part of
9 our complicated supply chain. We cannot absorb the
10 proposed fees. Our margins are too low and our ships
11 are too small to spread that cost when compared to
12 the large carriers. Slide 5 shows visually that size
13 discrepancy between the ships that we use and the
14 ships the large carriers use. The U.S. fresh fruit
15 trade will be severely impacted by the proposed fees,
16 but so will the U.S. consumers. Because bananas are
17 so integrated into the U.S. diet, nearly all
18 Americans will immediately feel a significant price
19 increase triggered by these fees. Bananas along with
20 bread, eggs and milk, consumer data shows that the
21 price of bananas are what shoppers look at when
22 comparing the relative prices between two grocery
23 stores, and the grocery store prices as a whole. So
24 the impact of banana price increases will also have
25 significant spill over effects on the perception of

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1 inflation more broadly, grocery prices will simply
2 look and feel more expensive to the U.S. consumer.

3 In the interest of time I echo the
4 testimony of others, primarily on Monday, but also
5 from that last panel, about the devastating impacts
6 to smaller ports and the resulting loss of jobs,
7 damage to local economies, port congestion and delays
8 elsewhere, and ultimately even higher costs for
9 companies like Dole to rely on these ports. I also
10 echo the testimony that you heard from exporters.
11 Each year, Dole vessels carry approximately one and a
12 half billion dollars of U.S. goods when returning to
13 the tropics. These U.S. goods would become less
14 attractive when compared to the cost of foreign goods
15 and U.S. trade competitiveness and trade balances
16 will suffer.

17 Finally, I also want to underscore
18 something that has been brought up by many of the
19 participants of this hearing, the inherent unfairness
20 of penalizing decisions made in the past with no
21 viable alternatives. Of the nine vessels that Dole
22 uses to bring fruit to the U.S. only four, the four
23 that we purchased most recently were built in China,
24 no other ship builders would build them for us,
25 including in the U.S., and nothing else close to the

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1 kind of vessels we need was available in the
2 secondhand markets.

3 As for solutions, you've heard many of
4 them today, let me just reiterate a few, certain
5 vessels like those carrying fresh produce and other
6 food stuff should be exempt, smaller vessels like
7 those that Doles uses should be exempt. At the very
8 least, a proposed action --

9 MR. BURCH: You've gone over your time --

10 MR. GALE: Thank you.

11 MR. BUTLER: Thank you.

12 MR. GALE: That was time.

13 MR. BUTLER: Ms. Castillo.

14 MS. CASTILLO: Good morning. My name
15 is Alejandra Castillo, and I am the president and CEO
16 of the North American Export Grain Association.
17 Thank you for the opportunity to appear before you
18 today. We are a trade association representing
19 exporters with U.S agriculture commodities and their
20 direct products, including, but not limited to,
21 grains, oils, seeds, soybean meal and the distillers
22 dried grains for solubles. My testimony today is
23 supplemented by formal comments we submitted with our
24 trade associations, the International Grain and Feed
25 Association and the International Seed Oil

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1 Association.

2 We welcome the U.S. government's
3 commitment to restoring domestic ship building and
4 reducing our reliance on Chinese-built ships.
5 However, we ask that the U.S. government consider
6 alternative approaches that stimulate ship building
7 through incentives and international partnerships as
8 opposed to the proposed actions that will penalize
9 U.S. agriculture to the benefit of competitors.
10 Given the current makeup of the global dry bulk
11 fleet, it is not possible to implement the proposed
12 actions without immediate and great implications in
13 agriculture. By our estimation, it will take many
14 years to establish the necessary domestic ship
15 building capability and the ability of U.S. flagged
16 and U.S.-built vessels to serve as U.S. grain
17 exporters. In the meantime, these proposed actions
18 will reduce U.S. competitiveness to the benefit of
19 our competitors. Every year, American farmers and
20 producers harvest over 130 million metric tons of oil
21 seeds and over 450 million metric tons of grain,
22 which supports nearly 500,000 U.S. jobs, adds more
23 than \$150 billion to the U.S. economy and helps put
24 high quality, healthy food on American families
25 plates. Nearly one-fourth of all grain and

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1 40 percent of all oil seeds grown in the United
2 States are exported to markets around the globe
3 helping to contribute to the strong U.S. trade
4 surplus for the bulk export of these commodities.
5 U.S. grain producers and grain exporters depend on
6 the global bulk freight fleet, which is currently
7 50 percent Chinese-built. Only .2 percent of the
8 global fleet is built in the United States. Just
9 seven bulk carriers are flying the American flag and
10 only five were built in the United States. The
11 implementation of any of the proposed fees and export
12 restrictions would leave U.S. farmers without
13 feasible pathways to export, putting them in a
14 devastating and enduring disadvantage, and
15 unfortunately only boosting the export prospects for
16 farmers in other nations. Our economic analysis
17 shows that an additional \$1 million fee on vessels
18 carrying agricultural exports would increase costs in
19 the vast majority of shipments between 15 and \$40 per
20 extra time, which equates to 50 cents to \$1 less per
21 bushel and could negatively effect farm gate returns.
22 This jeopardizes the \$65 billion U.S. trade surplus
23 in the grains and oils sectors.

24 Within days of the USTR's publication of
25 its proposed actions, availability of vessels beyond

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1 late May and early April have plummeted, which means
2 U.S. exporters are already losing business to
3 international competitors, reducing U.S. export
4 revenue and potentially increasing our trade deficits
5 going forward. U.S. grain and oil seed exports
6 support the entire American agriculture and
7 rural economy, including through inland
8 transportation, processing, manufacturing and
9 production agriculture. Agriculture export markets
10 are both highly competitive and price sensitive, and
11 with U.S. grain exporters operating high volume and
12 low margin businesses even in good market conditions.

13 For all of the reasons listed above, we
14 strongly encourage you to continue to explore
15 alternative responses to China's targeting the
16 maritime, logistics, and shipbuilding sectors in ways
17 that promote U.S. industry and promote harm to U.S.
18 farmers, producers, exporters, and ultimately,
19 American families. If, however, the proposed actions
20 are implemented, we request an exemption for
21 agriculture experts from the proposed fees. We
22 further ask that this exemption extend to imported
23 ingredient products that are necessary to support
24 production, agriculture and the animal feed industry.
25 Without such relief, U.S. agriculture and the

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1 positive impact it has on the broader U.S. economy
2 would suffer significantly.

3 I close by emphasizing that the grain and
4 oil seeds industry supports the end goal and
5 objectives to increase the U.S. maritime strength and
6 presence; however, the proposed actions present
7 irreversible harm to our bulk agriculture exports and
8 erosion of the strong trade surface we have on these
9 commodities.

10 Thank you for the time and the opportunity
11 to speak to you today.

12 MR. BUTLER: Thank you.

13 Mr. Shaffer.

14 MR. SHAFFER: Good morning. My name is
15 Adam Shaffer. I'm the vice president of
16 International Trade and Global Affairs for the
17 Recycled Materials Association, also known as ReMA.
18 ReMA is the world's largest trade association
19 representing private recyclers. Our members consist
20 of predominantly small and medium sized enterprises
21 operating at thousands of locations nationwide and
22 worldwide. Our members are integral to the U.S.
23 economy and are instrumental in processing, brokering
24 and consuming end of life materials such as steel,
25 aluminum, other metals, paper, plastics, glass,

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1 textiles and other electronics sourced from a diverse
2 set of commercial, industrial and residential
3 operations nationwide. Our industry supplies high
4 quality renewable resources for everything from
5 essential infrastructure, like bridges and buildings
6 to consumer products like laptops, soda cans, boxes
7 and vehicles. ReMA members provide U.S.
8 manufacturers with a reliable source of inputs which
9 is helping to make made in the U.S. possible. The
10 recycled materials industry in this country supports
11 nearly 600,000 good paying jobs and generates
12 \$170 billion in global activity annually. Each year,
13 our industry processes approximately 156 million
14 metric tons of recycled materials. The majority of
15 which is consumed domestically, but 30 percent is
16 exported to meet global demands for these materials.
17 These exports represent recycled materials not
18 utilized by domestic manufacturers. As U.S.
19 recycling output exceeds domestic demand, making
20 exports essential to our members's businesses. These
21 exports also contribute to the reduction of the U.S.
22 trade deficit by nearly \$30 billion each year. Our
23 industry supports tens of thousands trade impacted
24 jobs nationwide, including transportation of
25 logistics at ports nationwide. ReMA applauds the

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1 USTR and the Trump Administration for pursuing
2 actions to revitalize the U.S. shipbuilding industry.
3 Our members play a critical role in shipbuilding --
4 materials sourced by many manufactures in the supply
5 chain, either in the form of structural steel plate
6 or other materials like aluminium or plastics. Our
7 industry stands ready to meet the ambitious goals set
8 by the administration to restore U.S. shipbuilding to
9 international and global prominence.

10 Many American steelmakers are prepared to
11 increase production, utilize recycled content and the
12 steel plates that are critical for these vessels;
13 however, given the complexities in the supply chain,
14 we ask that the administration carefully consider the
15 full impact of the proposed port fees on U.S.
16 businesses that are dependent on competitive shipping
17 rates. The port fees, as proposed, will be borne not
18 only by importers but also by exporters, including
19 U.S. recyclers, which can significantly increase the
20 cost of business, making U.S. companies and recyclers
21 less competitive. It is the stable and cost
22 effective shipping options from the U.S. ports that
23 contributes to the ability to our materials to make
24 it to the global marketplace. These materials create
25 a demand for U.S. recyclables that is directly and

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1 indirectly responsible for thousands of American
2 jobs. These jobs are at stake along with the other
3 benefits of a robust recycling marketplace if
4 increased fees targeting Chinese ships produce,
5 unlikely dramatically so, traffic in U.S. ports.
6 While there's little doubt that China has used its
7 dominance in these sectors to the detriment of U.S.
8 shipbuilders and other nations. Current non-Chinese
9 shipping capacity is unable to meet the growing
10 demand of U.S. manufacturers and exporters. Consider
11 that many of these vessels produced in China are not
12 actually the vessels that are used to transport U.S.
13 exports from American ports. These exports would be
14 responsible for paying port fees, even if they are
15 produced using key U.S. allies. There's simply a
16 lack of vessels that would not trigger the fee to
17 meet the current export shipping requirements. At
18 risk is the \$28 billion exports from the U.S.
19 recycled materials industry, more than 70 percent of
20 which transit via North America. While the proposed
21 port fees pass on directly to importers and exporters
22 alike, our competitiveness will be negatively
23 impacted, resulting in the closure of many operations
24 nationwide that are dependent upon the export
25 business. In many cases, recyclers charter and hire

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1 vessels to export all cargo, some of these require
2 two or three port visits, which would likely result
3 in several million dollars worth of fees. China's
4 current position of shipbuilding threatens the
5 prospect for U.S. shipbuilders and our allies. But
6 assessing fees on the U.S. -- on the Chinese ships at
7 domestic ports instead of promoting U.S. shipbuilding
8 will effectively make U.S. ports and by extension
9 U.S. exports less competitive compared to countries
10 that do not impose the fees. We urge reconsideration
11 of these proposed fees which would also include a
12 waiver to the extent that the vessels are engaged in
13 export from the U.S.

14 I thank you for the opportunity to and
15 look forward to your questions. Thank you.

16 MR. BUTLER: Thank you.

17 We're going to turn to questions now, and
18 reminder to everyone to, please, reintroduce yourself
19 each time you ask a question.

20 MS. MADELL: Thank you. I'm Mary Lisa
21 Madell from the Department of Transportation. I had
22 a question for Mr. Friedmann.

23 Do you have any suggestions for how the
24 proposed actions could be adjusted to take into
25 account of the particular challenges for agriculture

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1 exporters, particularly the problem of port calls and
2 moving away from the small ports?

3 Thank you.

4 MR. FRIEDMANN: Thank you for that
5 question, and absolutely true, the smaller ports are
6 critical for agriculture exports. For example, beef
7 and pork that move out of the U.S. Midwest, the
8 impact would be threatened or promised, shut down of
9 Port Hope, for example, the world's largest ocean
10 carrier, saying if I'm going to pay these fees, I'm
11 going to pay them in a place where I can advertise
12 with a lot of containers, therefore, that would be
13 Long Beach, Los Angeles, therefore, not Oakland. But
14 that's just one example, that are many other ports
15 that would be subject. That port is critical, not so
16 much for California, but for Missouri, for Kansas,
17 and all these places, North Dakota, South Dakota,
18 Kansas, Colorado. Oakland and many of these smaller
19 ports are the ports of the heartland of the United
20 States, that's how they get out and that's where they
21 have the cold storage facilities and all the rest
22 that are needed by agriculture. So my view on this
23 whole thing is this, the U.S., at one point, tried to
24 compute -- we have something called the capital
25 restructuring fund. It's still on the books. It's

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1 still at the Department of Transportation and that
2 was our attempt to compete in this area. I think if
3 having ocean carrier services, sufficient carrier
4 exports and imports is important and the U.S.
5 government and the people have to decide we're going
6 to fund it, like semiconductors. A few years ago, we
7 decided to fund it. Electronic cars, ports, the
8 space program; those are all things we decided are
9 important and we funded it, but we don't fund it by
10 taxing some other sector of the economy and that's no
11 mistake, this is nothing but a tax on another sector
12 of the economy. And I think we just got to decide,
13 like the capital restructuring fund and other
14 programs that have existed in this area, we just have
15 to fund it. We can't tax our way into a competitive
16 ocean shipbuilding program.

17 MS. MADELL: Thank you.

18 MR. STEPHENS: I have a question for
19 Mr. Gale. My name is Andrew Stephens from Department
20 of Agriculture.

21 The first few comments to everybody:
22 Despite the length of Mr. Gale and Mr. Friedmann's
23 testimony, I enjoyed it, I appreciate Mr. Gale's
24 slides, and the examples that Mr. Friedmann gave,
25 congratulations on behalf of -- on your brief.

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1 And, Mr. Shaffer, appreciate your
2 testimony. If you could elaborate in your
3 post-hearing on the impact on our local recycling
4 systems. I know that that recycling materials -- in
5 that, for example, cardboard is essential. If you
6 don't have a good rate for cardboard in an old
7 system, it doesn't function. So interesting hearing
8 about that.

9 And for, Mr. Gale, can you elaborate more
10 on steps that can be taken now should to move forward
11 within the shipbuilding industry that could influence
12 a future shipbuilding industry?

13 MR. GALE: Sorry, steps that could be
14 taken now to influence future?

15 MR. STEPHENS: Influence future
16 shipbuilding --

17 MR. GALE: So that's a very good question.
18 I think, overall, the design -- or the desire of the
19 country to revitalize the shipbuilding industry is
20 positive and having the availability of both
21 shipyards to build ships and to repair ships is
22 critical. I mean, we -- the last panel talked a lot
23 about the ability to repair, and that's something
24 that's critical to us as well. We have one example.
25 We have two vessels that were up for dry dock a few

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1 years ago. We approached three different boards here
2 in the U.S. to do that dry docking rather than send
3 them back to Asia which puts them out of service for
4 extra weeks and, obviously, costs a lot of money.
5 One of them never responded. One of them said we're
6 waiting for Navy contracts, we don't want to put you
7 in our dry dock in case we need it for the contract.
8 And the third one hemmed and hawed so much that it
9 was clear they didn't feel they had the skills
10 necessary to do that dry docking and the repairs that
11 we needed, so we that had to go to Asia. We went --
12 had to go to Korea, in that instance.

13 But -- so your question, getting back to
14 that specific question, it's very -- I mean, that's
15 the whole point of this hearing -- right -- is to
16 decide what we can do to encourage U.S. shipbuilding.
17 I think it's -- if you go to back to what China did
18 to get back to the 50 percent market share that they
19 today -- and the investigation that U.S. did to try
20 to identify what actions they took; I don't want to
21 call that a playbook, but we should certainly look at
22 that to see what can we do to counter that. We,
23 obviously, need to understand how our competitors are
24 behaving to be able to counter that and compete
25 fairly. And if -- and just putting a fee on all

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1 Chinese-built ships and any ships that are in port
2 that to include China-built vessels is not even close
3 to what China did to get to where they are today, and
4 it didn't make sense to them and it worked. Their
5 efforts worked, so it doesn't make sense to us
6 either.

7 MR. STEPHENS: Thank you.

8 MR. COOK: Yeah, Ian Cook, Department of
9 Commerce.

10 My first question is for all of our ag
11 folks here on the panel. What share of U.S.
12 domestically produced agricultural products are
13 exported, and as a follow-up, what percentage of U.S.
14 agricultural exports are transported on Chinese-built
15 vessels?

16 MR. FRIEDMANN: I'll take the second one
17 first. Chinese-built/Chinese-owned would be the two
18 you're looking at, because this proposal also talks
19 about any ship that's in a fleet that has a Chinese
20 ship somewhere in that fleet. So I would say if
21 you're just talking about Chinese-owned/Chinese-built
22 is about 29 percent, 28 percent now, and that's
23 rapidly changing because all the new ships have been
24 -- the last couple of the years, are being built in
25 China, so about that percentage now. Yeah.

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1 MS. CASTILLO: I'd like to add to that.
2 So the first part of your question, what percentage
3 of agricultural exports; correct? So that is anyway
4 from 40 to 50, if we segment that by commodity, corn
5 production we usually export about 30 percent,
6 soybean between 40 to 42 percent to a particular
7 market.

8 As a whole, the second part of the
9 question, if we look at the current commercial fleet
10 coming from China, it's anywhere from 50 and 55
11 percent; it may be give or take a couple of extra
12 percentages. On a good year, we have 21,000 vessels
13 that are exported out of this country, of which only
14 seven are flying the U.S. flag and only five were
15 built in the U.S. Right. So that should give you an
16 idea -- an approximation of that. Approximately 48
17 percent of the global fleet is Chinese-built and just
18 .2 percent is U.S. built. For agricultural exports,
19 we consistently account between 40 and 50 percent of
20 all carrier demand exports, so we're basically using
21 up the entire capacity or availability of ships that
22 are out there in the market right now. Sure, we can
23 use a Japan or Korea-built vessels, without a 55
24 percent fleet availability that absolutely undermines
25 and really curtails our ability to move over 450

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1 million metric tons of any commodity that we produce.

2 MR. COOK: I thank you. Ian Cook,
3 Department of Commerce.

4 I have one other question for Mr. Shaffer
5 or two questions I guess. So how would the
6 proposed fee structure impact U.S. recycling exports,
7 in particular? And then as a second question, I know
8 you mentioned the bulk vessels. Are there other
9 vessel types that the recycling industry uses? And
10 maybe give us a sense of the proportions and if they
11 travel by container and that relative to the bulk of
12 transits?

13 MR. SHAFFER: Sure. Thank you. Those are
14 good questions. So our industry, we do represent the
15 broad spectrum of commodities from some of the
16 consumers, so what you would get from residential
17 streams from paper and plastic. The value was is
18 significantly lower versus the metal, some of the
19 steel or the copper, the value is higher. So there's
20 not a kind of one size fits all across our
21 membership, across our industry, but we've done some
22 quick back-of-the-envelope calculations -- effective
23 if you run anywhere from between a \$600 and a \$800
24 fee on a container, for example, you could see it
25 represent -- based on the tonnage that would go into

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1 that container, you could see as much 70, 80, even a
2 100 percent -- value of what's being exported on some
3 materials. Other materials, it could be two, three,
4 four percent, maybe even as low as one, depending on
5 commodity preference. So there's no one size fits
6 all. But we've looked at the -- beyond the bulk
7 situation. We've looked at -- our members who are
8 doing 10, 12, 14, maybe up to 20 containers a month,
9 which is not -- which is very low volume for some of
10 our members. They estimate they are all using
11 companies -- shipping companies that have Chinese
12 fleet -- or Chinese vessels in their fleets, so they
13 will be impacted to the point where they may not just
14 be able to export at all. They have to fully take
15 some of their materials off of the global market and
16 not be able to invest in our local technology, our
17 local equipment, our local communities, like they
18 have been.

19 So it does have a significant impact -- we
20 talked a little bit in our comments about national
21 security, because recycled steel, for example, is a
22 significant component of how steel in this market is
23 made. So if these markets and you can't invest --
24 recycling infrastructure in this country, you can't
25 make steel in this country without it. 70 percent is

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1 made here, so it's all interconnected. So in order
2 to have a country viable -- you need to have the
3 option to export the excess material.

4 MR. COOK: Great. Thank you.

5 MS. MADELL: I have a question for
6 Mr. Gale.

7 Mary Lisa Madell from the Department of
8 Transportation.

9 Well, two questions. One is, I was
10 wondering if you could tell us if there was a time
11 line for when you think you might be refreshing your
12 fleet? And then, I wondered if you had other
13 adjustments to suggest that could be effective in
14 reducing the impact on your company, perhaps delaying
15 in implementation, an adjustment period, a shift to a
16 per-container fee?

17 Thank you.

18 MR. GALE: Yeah, thank you for the
19 question.

20 As to the first one, the time line
21 refreshing our vessels, we -- given our margin, we
22 try to really run the vessels as long as we can. We
23 have four that are considered at the very end of
24 their lifeline, and they happen to be the ones that
25 we're currently using to service the European market,

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1 so they won't be impacted by this. But they are part
2 of the fleet, as a whole, especially if you look at
3 the percentages that are talked about in the current
4 form of the proposed rule, if we took those out and
5 just went to the third-party carriers, then all of
6 the percentages jump up quite a bit. So those would
7 be refreshed probably in the next five to ten years.
8 And then from there, we usually look at about a
9 five-year rotation for a vessel or two to come up to
10 be refreshed.

11 And then on the second question, other
12 adjustments to suggest to the proposal, other than
13 the ones that I mentioned. There were -- one that
14 I've heard by a few different testifiers, especially
15 those that service the -- focus on a short haul, on
16 2,000 or less than nautical miles; that would cover
17 the majority of our transport from the tropics up to
18 the U.S. is generally 2,000 or less nautical miles.
19 Again, it depends on how you calculate that, however
20 if it's from first borne port to last borne port and
21 there was a question earlier, I think, of how do you
22 -- would -- how would -- how would help discourage
23 people getting around that short haul rule? And you
24 know, there's certainly ways you can do that based on
25 the total voyage of the ship, but one potentially

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1 would be focusing on transatlantic or transpacific
2 carriers only, that those two routes would be subject
3 to the fees, where the short inter-American routes
4 would not be.

5 And then the size of the vessels per
6 container, that's critical. I think we just can't
7 spread out the same kind of fees across a 1,000 TEU
8 container ship as well as 16,000 TEU container ship,
9 so if you make a per-container fee, that makes a lot
10 more sense. Obviously, it still causes our price to
11 go up, but it's something that the American consumer
12 wouldn't probably notice as much if you work out the
13 details and find a way around that. Yeah, I think
14 there were a lot of other good options that were
15 suggested today as well.

16 Thank you.

17 MS. MADELL: Thank you.

18 MR. STEPHENS: For Ms. Castillo, you
19 suggest an exception from the exports form the --
20 from the proposed fees, how would such exemptions be
21 structured and what actions would you suggest --
22 investigation if there's -- and I'd like to hear your
23 thoughts but I'll start with that.

24 MS. CASTILLO: Thank you for the question.
25 I guess let me start by answering that question on

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1 what is under the current structure, what does that
2 mean per commodity; right? So the cost increases
3 are projected to increase the U.S. agriculture
4 exports in the U.S. farm production, the reason
5 behind that is because reduced production reduced
6 exports which brings down prices. So if we look at
7 U.S. production, we're looking at a decrease of
8 82.3 percent due to the loss of exports by about
9 64.39; that would have an average cost of about
10 \$3 billion. In U.S. soybeans, the decrease is
11 expected to be 18.17 percent. And looking at a \$10
12 billion loss or decrease to the farmer for that. On
13 U.S. corn, the anticipated decrease is 3.57 percent
14 due to reduced exports of 1.78 percent, which would
15 equal three billion annually; right? And so if
16 whatever alternative we are looking at for
17 exemptions, that is what we need to cover to ensure
18 that we are made whole, basically, not competitive.
19 And I think that's a really key part of the
20 conversation that we need to consider is not just to
21 have the availability to run ships, but it's actually
22 being competitive to actually put commodities on a
23 ship on the water and out to customers. If we cannot
24 make that number, that differential, then we really
25 need to ask ourselves if we are at a different, worse

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1 or equal --

2 And I'm sorry. I missed that second part.

3 MR. STEPHENS: If you want to exempt ag,
4 how would then how would you meet the requirements of
5 the remedies, so I how should you make --

6 MS. CASTILLO: I guess the only way that I
7 can answer that kind of -- the sentiment behind this
8 is, one of the things we consistently hear from
9 consumers of the U.S. products, U.S. commodities is
10 in a price differential, so when a different origin
11 is priced better or less expensive than the U.S.
12 they prefer U.S. because they know that we are
13 reliable. They know that our transportation system
14 is dependable and efficient and we get our stuff when
15 we say we're going to get out stuff. And so, to me,
16 an alternative that moves us away from that, we
17 cannot make that money up.

18 MR. STEPHENS: Thank you.

19 MR. HARTNETT: Chris Hartnett, Department
20 of Homeland Security, question for Mr. Shaffer.

21 How would you suggest that the United
22 States create a stable and cost-effective U.S.
23 shipping options from U.S. ports.

24 MR. SHAFFER: Can you repeat the question,
25 please? You mean, as it relates to the exports, or

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1 if we had to the design the program, itself, like
2 what --

3 MR. HARTNETT: As it relates to the
4 exports.

5 MR. SHAFFER: Yeah, there's -- as part of
6 our testimony, we did push for a -- there to be some
7 sort of, you know, thoughtful approach on how exports
8 could, in fact, be exempt. There's so many jobs that
9 are tied to the export-focused business, and we're
10 looking at either some sort -- some sort of special
11 consideration, and the way that the proposed action
12 is, it's not import versus export, it's on the ships,
13 itself, and so in order to have a reliable shipping,
14 you do need the vessels to come in. So it,
15 ultimately, it would be very difficult for a specific
16 export to carve out, but I do think, given the number
17 of jobs and the number of economic activity that are
18 related to the exports, that some sort of special
19 consideration should be, but we'll look to address
20 that further in post-hearing comments.

21 MR. STEPHENS: For Ms. Castillo, and to
22 keep on time, could you answer your post-hearing
23 brief. You mentioned that half of bulk ships are
24 Chinese. How many bulk vessels are owned by fleets
25 with other Chinese ships -- because the remedy would

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1 have different categories of possible fees, so to
2 say half of Chinese vessels, but how, many of those
3 of the entire fleet available to the U.S. ports are
4 owned by these companies that would -- these other
5 fleets -- so when you post your brief, could you give
6 an estimate of that.

7 MS. CASTILLO: We will share those. Thank
8 you.

9 MR. SULLIVAN: This question is for
10 Mr. Shaffer and Ms. Castillo.

11 Ms. Castillo, you have mentioned that
12 around 50 percent of the bulk fleet is Chinese-built.
13 Let's assume for a second that the remedies applied
14 here are just on Chinese-built ships that come to
15 ports, not on fleets that have Chinese vessels, would
16 your members be more inclined to charter non-Chinese
17 vessels?

18 MS. CASTILLO: Would they be more
19 inclined?

20 MR. SULLIVAN: Yes.

21 MS. CASTILLO: I think they would have to
22 be. I don't know if it's a matter of inclination.
23 If the ability of 55 percent of the vessels is not
24 there, then we absolutely would have to look
25 elsewhere to make that up. I don't know if I'm

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1 answering that question correctly, but 55 percent, 55
2 percent of vessel that have ability and all of a
3 sudden is gone really puts a strain on our ability to
4 choose, which is why we're seeing such significant
5 impact and immediate impact upon even hearing of the
6 proposal, because there's just not a lot of other
7 ships out there.

8 MR. SHAFFER: I think our concern is if
9 the removal of the fee for shippers that do not -- if
10 you're transporting on, say, a Japanese or Korean
11 vessel, that those prices might also increase to
12 match just slightly below than whatever the
13 Chinese-operated or Chinese-built vessels are going
14 to be. So either way, we would expect a significant
15 increase of the costs on this, so we don't think this
16 really addresses how to bolster the U.S. shipbuilding
17 industry.

18 MR. SULLIVAN: Thank you. And I think it
19 would be helpful for us to understand what percentage
20 of the global fleet you -- your industry of what your
21 fleet is using, because I imagine it's not a
22 100 percent of the bulk fleet, but understanding
23 where there would be room to maneuver also, but it
24 would be helpful for USTR.

25 MS. NADADUR: I'm Anjani Nadadur for the

1 USTR's.

2 Mr. Shaffer, you touched on this a little
3 bit, but could you help us understand what would be
4 the impact on your members if Chinese vessels or
5 Chinese-built vessels were just no longer available.
6 For example, how many jobs would be lost? How much
7 in exports would be lost?

8 MR. SHAFFER: Yeah, so thank you for the
9 question.

10 So our industry, each year, we
11 export about 28 to 30 billion worth of recycled
12 materials across the commodity spectrum, about 20
13 billion of that goes offshore, so outside of North
14 America. Most of trade in North America is done by
15 rail, but most of the impact for the other 20 billion
16 dollars to Asia, Southeast Asia, to South America, it
17 tends to be on the shipping lines that are -- that
18 have Chinese vessels in their fleet at the moment.
19 So we looked at the 30,000 U.S. jobs are directly
20 linked to our trade focus, to the export focus of our
21 industry. So I wouldn't say all of them, of course,
22 but there's a significant portion, especially some of
23 the smaller, medium-sized companies that are
24 operating only a few containers a month. But there's
25 a lot of the down stream impact; that's what some of

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1 the panel has talked about, you know, if that there
2 are ports that are unavailable, local port or
3 something like that is unavailable, and you have to
4 ship extra lead times to the Port of New York or some
5 of the larger ports, you're going to increase your
6 costs and transportation costs and logistic costs and
7 some of the consumers won't be able to take it. So
8 even if it's all kind of -- everything is connected
9 in terms of -- even if you're not using Chinese
10 vessels, there's still going to be significant
11 impact.

12 MR. STEPHENS: One final question for any
13 of the panels who would care to go into post-hearing
14 briefs, be specific. If you want an exemption or
15 some other accommodation, what would that be or what
16 would that look like?

17 So I look forward to seeing that. Thank
18 you.

19 MR. BUTLER: Okay. Thank you to this
20 panel. We're going to take a lunch break now, and
21 reconvene at -- take like an hour long break and
22 reconvene at 1:30, starting with Panel 11.

23 (Recess.)

24 MR. BURCH: Will the room please come to
25 order.

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1 MR. AU: Thank you.

2 With that, I would like to proceed to
3 Panel Eleven, and I would like to invite Mr. Young to
4 provide testimony.

5 MR. YOUNG: Thank you, Mr. Chairman.
6 Thank you members of the panel. Thank you. Good
7 afternoon to all. Thank you for the opportunity to
8 speak at this hearing.

9 My name is Peter Young and I'm
10 administrative counsel for the European Union
11 Delegation to the United States. In my statement, I
12 shall highlight the main elements to the written
13 comments that the EU submitted to the Department of
14 Transportation. And from the outset, I would like to
15 highlight the great importance that the EU attaches
16 to economic and trade cooperation with the U.S. has
17 been a key driver of economic growth, prosperity, and
18 peace for both sides of the Atlantic with clear
19 benefits for our citizens, our workers, and our
20 businesses. The trade in goods in 2024 was worth
21 some 86 billion some euros or \$938 billion, and
22 relied on a significant degree of the
23 well-functioning maritime transport sector. The
24 sentiment, moreover, in which the maritime operators
25 play an important role. The EU recognizes some of

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1 the concerns by USTR during this investigation,
2 notably that result from state subsidies and
3 non-market practices on the global shipbuilding
4 market. Similarly, we can recognize the importance
5 to ensure the resilience and security of its maritime
6 services and logistics sectors, including through the
7 promotion of its domestic shipbuilding construction
8 capabilities.

9 However, we doubt that the remedies, as
10 proposed, would be effective in addressing these
11 concerns, and, in fact, we are concerned that they
12 would rather impose additional costs on operators and
13 risk disruption in global logistic networks and
14 international trade.

15 Let me briefly set up the views to the
16 different actions being proposed. As regards to port
17 service fees, we are very concerned the as proposed
18 port service fees are not only planned to target
19 Chinese maritime operators, but also all operators
20 whose fleets include Chinese-built vessels, as well
21 as the operators of those that have already placed
22 prospective orders for the Chinese vessels for
23 delivery over the following 24 months.

24 The reality is shipping -- have very few
25 alternatives to Chinese-built vessels. Initial

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1 industry estimates indicate that this measure would
2 lead to an important increase in the costs that would
3 negatively impact global shipping, including of the
4 U.S. exports. There could also be unintended
5 consequences. Could be higher costs at U.S. ports,
6 shipping lines could rearrange with a smaller number
7 of the ports with larger vessels. This could cause
8 congestion, delays, and longer delivery times, and
9 higher costs for the consumers in the U.S. and
10 beyond.

11 As regards to the cargo reservation regime
12 restricting the fixed -- with U.S. flags and
13 U.S.-built vessels would negatively affect the level
14 playing field in the global shipbuilding, maritime,
15 and logistics sectors. It is also uncertain whether
16 the U.S. shipbuilding sector would be able to
17 increase its output over the next several years to
18 reach sufficient capacity and, thereby, avoid risks
19 of serious disturbances.

20 The EU is also concerned that the
21 cargo reservation regime of this nature would be at
22 odds with U.S. obligations under international law.

23 Regarding port security, while we agree on
24 the importance of reliant port infrastructure,
25 including platforms and equipment, we strongly

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1 recommend that any remedies are carefully considered
2 in advance, well-planned, and carefully executed.
3 Port logistics software is a highly sensitive matter
4 as it ensures that ports communicate effectively with
5 each other for the well-functioning of the logistics
6 lanes. Therefore, if introduced unnecessarily or too
7 quickly, restrictions affecting these tools can cause
8 unwarranted disruption in the U.S. logistics sector
9 and harm trade. We, therefore, believe that a
10 proper assessment of the inherent risk and available
11 alternatives would be necessary before any measures
12 are taken.

13 Finally, while it is clear that the EU has
14 some important concerns about the remedies, let me
15 stress that we strongly welcome USTR's openness to
16 discuss this matter with allies and partners. The
17 challenges investigated during this investigation are
18 of a global nature and would require a global effort
19 to -- level playing field. In this context, the EU
20 is ready to engage the United States both
21 bilaterally, as well as in a multilateral context to
22 work on mutually beneficial solutions. We believe it
23 is possible to address challenges effectively and
24 tackle concerns of unfair practices without harming
25 transatlantic trade and U.S. entering into

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1 negotiations with allies and partners. In order to
2 counteract China's acts, policies, and practices and
3 to reduce dependencies on China in the maritime,
4 logistics, and shipbuilding sectors. The challenges
5 investigated in -- during this investigation are of a
6 global nature and will require a global effort. In
7 this context, the EU stands ready to engage with the
8 U.S. both bilaterally, as well as in the multilateral
9 context to work on common, mutually beneficial
10 solutions.

11 We believe that it is possible to address
12 shared challenges effectively and tackle concerns
13 over unfair practices, without harming transatlantic
14 trade in the interest of EU and U.S. business and
15 consumer interests.

16 I thank you for your attention.

17 MR. AU: Thank you, Mr. Young.

18 I would like to invite Mr. Kravitz.

19 MR. KRAVITZ: My name is Gregory Kravitz.
20 I'm senior vice president of transportation of Oxbow
21 Energy Solutions, LLC. During my 30 years in the
22 shipping industry, I chartered both American flag and
23 foreign flag vessels and shipped more than 100
24 million tons of bulk cargo and liquid cargo around
25 the world, so I'm very familiar with the issues under

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1 review here today. It is my professional opinion
2 that the policy contemplated by the USTR in their
3 current form will have the opposite effect of what is
4 contemplated. They will end up punishing U.S.
5 exporters, producers and manufacturers if they do not
6 allow enough time for U.S. shipbuilding and U.S.
7 flag service to develop in order to properly service
8 U.S. industry. For these reasons, we are here today
9 to request an exemption from the proposed service
10 fees for petroleum coke and the raw material
11 necessary for producing calcified petroleum coke.

12 At Oxbow, we operate mainly in the dry
13 bulk cargo space, according to some estimates 47
14 percent of the current fleet is constructed in China
15 and more than 70 percent of the forward -- of
16 construction is placed there. We have subsidiaries
17 that export petroleum coke through our state of the
18 art work facility in Long Beach, California equipped
19 with U.S. and European build conveyance loading
20 machinery. Our suppliers are iconic -- such as
21 Valero, Marathon, ExxonMobile, and core natural
22 resources -- in mainland China, we have a subsidiary
23 that distributes solid fuels directly to local
24 industry positively impacting the U.S. balance with
25 trade payments with China. The potential addition of

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1 millions of dollars in -- will more than double our
2 freight rates and will remedy these American exports
3 uncompetitive. In fact, the overall export of the
4 U.S.-produced calcined petroleum coke. If you
5 consider that 70 percent of those exports could have
6 their freight rates doubled, the industry will be
7 crippled, leading to the loss of jobs and shifting of
8 production overseas.

9 Oxbow is a subsidiary that imports,
10 processes and upgrades raw petroleum coke in our
11 plants in Texas, Louisiana and Oklahoma, to a primary
12 card and feed stock called calcined petroleum coke.
13 Calcined petroleum coke is an essential,
14 irreplaceable raw material for primary aluminum
15 production in an industry the President has
16 identified as crucial to the United States. Oxbow
17 currently supplies calcined petroleum coke to all
18 U.S. aluminum companies. Adding millions of dollars
19 in penalties to the cost of imported raw petroleum
20 coke will render American-produced calcined petroleum
21 coke unprofitable for its use in aluminum production
22 and will potentially injure all American smelters.
23 Even worse, when we export calcined coke to aluminum
24 producers around the world, the second set of fees on
25 the export vessel, essentially taxing the commodity

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1 twice, which is unsustainable. Consequently, we will
2 face the prospect of closing our plants, shipping
3 jobs and production overseas and depriving the
4 private and strategic American industry of the
5 crucial domestically produced import. In these
6 examples, we can see the suggested policies do not
7 punish China, as intended, but rather punish American
8 industry and will put American laborers out of work.
9 I can assure you the cost of these prospective fees
10 is already getting push back onto American importers
11 and exporters, I have seen it firsthand in the ship
12 charter negotiations.

13 During his first term, President Trump put
14 together an amazing trade deal with China, and under
15 Phase 1 American based and international shipowners
16 alike purchased vessels from China because it was not
17 discouraged. Therefore, to reach back in time and
18 equalize that all vessels of Chinese construction is
19 an unreasonable answer to what is, indeed, a very
20 serious problem. Similarly, immediately and
21 excessively penalizing owners of vessels -- and the
22 American companies that made freight contracts in
23 good faith with Chinese operators will punish the
24 American producers more than that it will fix the
25 problem. Service fees can be used as a disincentive

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1 to reduce dependency on Chinese shipbuilding and ship
2 operating going forward, but those fees need to be
3 phased in over time and increased gradually to give
4 shipowners time to reconfigure their fleets and give
5 American industry time to adjust their logistics and
6 build ships. Many years ago, Oxbow received a OMSA
7 appreciation award, which I proudly accepted at a
8 ceremony in Washington, for being one of the largest
9 shippers on qualified Jones Act tonnage. These days,
10 that tonnage has already completely disappeared.

11 According to the Department of Transportation, there
12 are only four U.S. bulk carriers remaining. So there
13 is no way the fleet would be ready to handle American
14 exports on the scale and timetable envisage by the
15 USTR proposal.

16 It is an important goal to develop U.S.
17 flag operations and ship building, not only for
18 commerce but for national security, and this is an
19 objective Oxbow fully supports. However, the U.S.
20 maritime industry that has been neglected for half a
21 century cannot be rebuilt overnight. The Jones Act
22 needs reform. A larger -- needs to be recruited,
23 trained and deployed. American shipyards need to
24 retool from their current focus on military to
25 revitalize commercial demand and best practices for

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1 the future. We are probably 20 years away from
2 having revived the U.S. fleet and there are no easy
3 answers how to accomplish this. Maritime
4 revitalization fund financed through fees that are
5 thoughtfully imposed on certain aspects of shipping,
6 such as rebalancing --

7 MR. AU: Your time is expired.

8 Thank you for your testimony.

9 Mr. Giberga.

10 MR. GIBERGA: Yes. Good afternoon and
11 thank you for having me. My name is Sam Giberga.
12 I'm the vice president, general counsel and secretary
13 of Hornbeck Offshore. Hornbeck is a leading provider
14 of offshore logistical services in the United States,
15 of offshore energy industry and provides specialized
16 support to the United States Department of Defense in
17 support of the United States Navy and the United
18 States Marine Corps. We are among the largest owners
19 of the U.S.-built, U.S.-crewed, U.S.-flagged and
20 U.S.-owned offshore support vessels and -- in the
21 United States. Yes, it can happen. We can have
22 American companies that own and operate U.S.-built
23 ships in a profitable way. We strongly support this
24 action by the United States Trade Representative to
25 combat decades of intrusion by the Chinese. We

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1 appreciate the willingness of the USTR to consider
2 the appropriate remedy to covered as Hornbeck
3 believes the activities subject to the 301 remedy,
4 ultimately, must include all activities by
5 Chinese-built vessels in U.S. waters, not just those
6 making a port entrance. The port action, primarily
7 international shipping operations as opposed to more
8 abroad U.S. shipping, such as those we conduct in the
9 offshore of energy, we believe that it is crucial the
10 Office of the United States Trade Representative the
11 vulnerabilities the U.S. has to the Chinese shipping
12 and the shipping dominance in the U.S. realm. While
13 much of the is serviced by U.S. flagged and owned
14 fleets, such as ours, there are numerous of offshore
15 activities occurring within in and within the
16 exclusive economic zone of the United States that are
17 performed and many built in China or utilized in the
18 important Chinese components these vessels are
19 constructed for a fraction of a cost due to the
20 unfair and illegal subsidization given to the. There
21 are currently, by way of example, sub sea Chinese
22 yards, which international confirm, are being
23 constructed for approximately a \$100 million each.
24 Similar vessels that Hornbeck sub sea construction
25 vessels specialize in the sub sea cranes Chinese

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1 cranes are also far less competitive adding to the
2 invests cost difference the two Chinese vessels not
3 being constructed and many others now in existence
4 are now allowed in support of wide variety of
5 offshore energy projects on like ships engaged on
6 international voyage arrive on the U.S. continental
7 shelf and stay for months or even years U.S. like
8 Hornbeck struggle to compete once on the are engages
9 in the domestic commerce yet due to the
10 they marijuana hers from low-wage nations escape
11 ironically even under U.S. law even if a mariner like
12 Hornbeck the U.S. mariner must still that apply to
13 those this vessels when operating them in the United
14 States these factors combine to make it very if I
15 felt electric the U.S. shipping interests for the to
16 build U.S. vessels of these kind Office of the United
17 States Trade Representative can actually help level
18 this playing field and we respectfully make clear in
19 its decision that of the U.S. are covered by Office
20 of the United States Trade Representative proposed
21 action I have laid out in my paper several ways that
22 the Office of the United States Trade Representative
23 can do so and I'll defer to the paper in order to
24 keep my remarks a little more brief in closing I just
25 want to point out that the it is crucially important

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1 to the United States that we have a strong domestic
2 maritime ship owning shipbuilding ship crewing force
3 and this is a first step towards getting us there and
4 I applaud to the efforts to the Office of the United
5 States Trade Representative in this regard thank you
6 very much.

7 MR. BUTLER: Thank you, Mr. Giberga.

8 I'll turn it over to Mr. Smith.

9 MR. SMITH: Good afternoon. My name is
10 Aaron Smith. I'm the president and CEO Offshore
11 Marine Service Association is a trade association of
12 the segment of the U.S. maritime industry engaged in
13 domestic offshore energy. I appreciate the USTR's
14 efforts to ensure Chinese-built vessels are placed on
15 a level playing field, but to truly benefit U.S.
16 shipbuilding industries, the proposed fees must
17 reflect the peculiar forms encountered by the
18 different segments of this industry. For offshore
19 energy, this means service fee should accrue for
20 every day Chinese-built offshore energy vessels spend
21 in our waters displacing U.S. tonnage and preventing
22 entering U.S. shipyards. OMSA has tracked 84 foreign
23 flag vessels that have worked in offshore U.S. wind
24 projects between 2016 and the third quarter of 2024.
25 These vessels work for a combined total of 16,698

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1 days in our waters and employed 4,764 mariners in
2 doing so. When keel to completion yards are
3 considered, China is the largest source of the
4 foreign-built vessels that have worked in the U.S.
5 offshore wind projects. While a relatively small
6 number, these vessels have disproportionately through
7 large impacts on the U.S. maritime industry. First,
8 the largest shipping vessels employ crews ranging
9 13 to 24 people. The Chinese-built vessels that have
10 worked in the offshore wind in our waters employ
11 crews ranging from 35 to -- excuse me -- 150 persons.
12 In total the Chinese-built vessels have taken away
13 work from 762 to 1,500 jobs in our waters. Second,
14 Chinese-built offshore vessels stay far longer time
15 in our waters. Chinese-built vessels stay on average
16 six months having worked a combined total of 2,430
17 days in U.S. waters. Conversely, shipping vessels
18 spend .7 days per port call.

19 The Chinese offshore -- offshore built and
20 offshore energy vessels are also significantly newer
21 than the international shipping vessels. The average
22 age of the shipping fleet is 22.4 years. In
23 comparison, Chinese-built vessels that have worked in
24 offshore energy, the average age is 13 years. At
25 least two Chinese-built vessels have gone directly

1 from the shipyard to our waters.

2 And while offshore energy is unique, it is
3 not separate. The Chinese shipyards that build
4 offshore energy vessels are the same shipyards that
5 build for the Chinese military; as such, their
6 exploitation of our market is providing valuable
7 experience and technical skill to those yards.
8 Similarly, the shipyards and shipowners that build
9 offshore energy vessels and operate these vessels are
10 the same yards that build for the smaller end of the
11 Coast Guard and Navy fleets. If the inequities that
12 we are describing here today are rectified, we can
13 recapitalize the larger shipyards and provide greater
14 benefit to our armed forces.

15 For example, the Danish-owned Wind Pace is
16 a vessel with massive legs used to elevate itself out
17 of the water to provide a stable platform to assemble
18 wind turbine generators. It will be delivered next
19 month from the COSCO shipyard to U.S. waters for a
20 multimillion dollar, multi-month contract. The same
21 technology that is found on that vessel is found on
22 the bridging barges that have been produced by the
23 Chinese military and its expeditionary peers to
24 establish a logistical harbor --

25 There are two primary cost drivers for the

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1 Chinese vessels used in offshore energy. First, it
2 is widely known that the Chinese government provides
3 lucrative financial incentives to its shipyards,
4 which enable these yards to build at cost, which
5 market-based U.S. shipyards simply cannot compete.
6 However, that capital cost manipulation, obviously,
7 makes Chinese ships attractive, but it can also be
8 amortized over the life of that vessel.

9 More impactful is the difference in OpEx.
10 In offshore energy OpEx is driven to the tune of, at
11 least, 60 percent by crew costs. In this area, the
12 U.S. offshore energy vessel owners can simply not
13 complete with their foreign competitors because the
14 Outer Continental Shelf Lands Act requires U.S.-owned
15 companies to hire only U.S. citizens, while allowing
16 foreign-owned vessels to employ foreign crews, doing
17 the exact same thing. In many cases, this means that
18 foreign-owned vessels are working in U.S. territories
19 for extended periods of time, directly competing with
20 U.S. tonnage and workers, all while paying less than
21 U.S. minimum wage. Again, that cost advantage
22 compounds on a daily basis and the U.S. industry can
23 simply not complete if that cost advantage is not
24 addressed. As such, we must return to a system
25 that provides for fair market access for U.S.

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1 companies when they work in their own waters.

2 And for this reason, OMSA supports the
3 USTR proposed remedies and hopes to see them extended
4 to Chinese-built vessels for the entirety that they
5 work in U.S. waters.

6 We thank you for your consideration.

7 MR. BUTLER: Thank you, Mr. Smith.

8 And now I'd like to open to the questions
9 from the committee panel.

10 MR. SALKELD: Good afternoon. My name is
11 David Salkeld. I work for the Office of the U.S.
12 Trade Representative. I have two questions for
13 Mr. Young.

14 The first question is: What can EU
15 companies do to support capacity expansion in the
16 United States?

17 And, I guess, I can read the second one if
18 you're taking notes. From the EU's perspective, what
19 actions is needed in order to have a competitive
20 global shipbuilding industry?

21 MR. YOUNG: Thank you very much.

22 The first question, I probably suggest you
23 defer to the EU government. Certainly, I'm not
24 primed to respond on their behalf. But I think the
25 message, which you have seen from some of the

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1 shipping companies that are very big to invest in --
2 on this side of the Atlantic, as well as on our side
3 of the Atlantic, in terms of improving the resilience
4 and strength of the sector.

5 When it comes to distortions, I think
6 basically, we -- I would direct you to some of the
7 points we made in our written comments, in particular
8 the reference we made to the work that has taken
9 place in the past in the OECD around principles for,
10 shall we say, fair, transparent and reasonable
11 support of the sector, as opposed to distorted
12 support of the sector. We would say, basically, it's
13 good to have rules of the road, knowledge of the
14 actors who are present in the sector among what it is
15 a, if you like, a reasonable and understandable set
16 of instruments to support the competitiveness and the
17 strength of the domestic sector, and equally, some of
18 the rules of the road around principles, practices,
19 which would not fall into that category. And I think
20 it is important to see if it's willing to work with
21 like-minded countries around this. Also, of course,
22 at a certain time, all actors might need to be
23 involved or, at least, need to reach a common
24 understanding around how to treat those countries who
25 don't obey by that same set of rules.

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1 MR. SALKELD: Thank you.

2 MS. BARNHART: Megan Barnhart, the
3 Department of Energy. My question is for
4 Mr. Kravitz.

5 You asked for a phrased or delayed
6 implementation. What schedule would you propose for
7 the phrased approach?

8 MR. KRAVITZ: I think it would take, in
9 terms of ships on order from China, definitely a
10 couple of years for owners to be able -- because
11 those orders aren't easily canceled -- to figure out
12 how to reconfigure their fleets to deal and put
13 American exporters in a position where they're not
14 harmed. So I think a delay of one to two years to
15 try to implement this would be fair.

16 MS. BARNHART: Thank you.

17 MR. SULLIVAN: Mr. Giberga, how would the
18 proposed fee structure impact outer continental shelf
19 operators and what modifications to the proposed
20 action do you suggest needs to be made to make clear
21 that operations on the U.S. OCS are covered?

22 MR. GIBERGA: Yes, thank you for the
23 question.

24 I think, first of all, it's important to
25 understand that many of these ships that come and

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1 work on U.S. outer continental shelf don't call into
2 port; they stay offshore. And so, once they have
3 arrived on the U.S. outer continental shelf, within
4 the economic zone of the United States, they do give
5 a notice of arrival to the Coast Guard, and so the
6 Coast Guard have awareness that they are in our
7 domain, and I think it is at that point, that these
8 need to begin to be assessed on their presence. As
9 Mr. Smith pointed out, one would be a daily fee, but
10 something needs to happen at that point.

11 What we do not want to see is that these
12 ships, just because simply of unawareness, that they
13 are part of this overall problem, receive essentially
14 an exemption from the proposed action.

15 MR. BAUNACH: Leo Baunach, U.S. Department
16 of Labor.

17 Similarly for you, Mr. Smith, could you
18 talk about some of the practicalities of how the
19 United States could impose a fee on Chinese vessels
20 that do not make port calls?

21 MR. SMITH: Yes, thank you for the
22 question. And again, I appreciate the ability to
23 testify here today.

24 In our written remarks, we provide two
25 proposals, and as Mr. Giberga said, we'd be open to

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1 others. We see that notice of arrival is one way.
2 Per U.S. law, foreign vessels have to provide a
3 notice to the Coast Guard 96 hours in advance of
4 their arrival; that provides a ready-made way. That
5 notice is made, per the regulations, by web portal,
6 e-mail, fax, phone, or other possible sources. So
7 that provides a ready-made source.

8 Also, by U.S. and international
9 regulations, all vessels are required to utilize
10 automatic identification system or AIS. Anyone with
11 an internet connection can have access to that AIS
12 data. It's very easy to set up a fencing system that
13 when they cross over onto the EEC, the meter starts
14 running.

15 MR. VAN PATTEN: Thank you, Mr. Smith.

16 Tyler Van Patten, Department of the
17 Treasury.

18 My question is for whichever of you would
19 care to answer. Quite simply, how else would each of
20 you propose to build the U.S. shipping and
21 shipbuilding sectors?

22 MR. GIBERGA: I heard earlier commentary
23 today about dismantling the Jones Act and I think
24 that's the worst thing you could possibly do. The
25 U.S. shipbuilding that does exist today, it exists

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1 because of the Jones Act, and the Jones Act works
2 well for domestic shipping. We have a very vibrant
3 community of shipyards that build increasingly
4 sophisticated levels of ships that are used mostly in
5 our domestic commercial and sometimes, in our foreign
6 commerce as well. So I would certainly begin by
7 doing no harm in what we have.

8 I think that there are opportunities to
9 find ways to increase the incentives for using U.S.
10 bottoms in export and import. And to find ways in
11 order to incentivize U.S. owners to order ships from
12 U.S. shipyards. It's a little bit of a misnomer and
13 a little bit of a cart-before-the-horse problem to
14 say we want to revitalize U.S. shipbuilding without
15 thinking about who is the customer of the shipyard.
16 Well, that would be us, we're the shipowners. We
17 take the economic risk of building a very
18 capital-intensive asset that has a 20 to 30 year
19 useful life that we have to employ in business. So I
20 think taking your lead from what is it that owners
21 require of U.S. shipyards would be a good place to
22 begin.

23 MR. BAUNACH: Leo Baunach, U.S. Department
24 of Labor.

25 Mr. Giberga, Mr. Smith, you both

1 referenced some of the differences in working
2 conditions in terms of employment for mariners on
3 Chinese-owned vessels and Chinese-flagged or
4 otherwise foreign-flagged vessels. Could you speak a
5 bit more about the differences and conditions these
6 workers face when they're doing offshore work?

7 MR. GIBERGA: Sure. I'll take a shot
8 first. I'll take a shot first, and Mr. Smith can
9 follow up.

10 You know, where we see it, because we're a
11 U.S. company, everybody working on our ships, whether
12 they are foreign-flagged or U.S.-flagged, if they're
13 in the United States, they have a U.S. crew on them.
14 Okay. So that means they're being paid at the U.S.
15 wage scale. They are receiving all of the benefits
16 required by law and being competitively provided
17 among U.S. shipowners. They are also protected by
18 the other Jones Act, which is the liability part of
19 the Jones Act. It's essentially a very protective
20 workers' compensation scheme in the event that
21 they're harmed. So that's the U.S. mariner.

22 The cost for a U.S. mariner, the cost for
23 a master on one of our unlimited tonnage vessels,
24 roughly \$1,000 a day. You can take that cost for a
25 foreign-flagged vessel, it may be a Norwegian-flagged

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1 vessel, but the master on that vessel may be Polish
2 and Ukrainian/Eastern European, and he may be making
3 \$500 a day. As you work your way down the scale, you
4 will find people working on that ship that are making
5 \$3 an hour, effectively, well below any international
6 recognizable liveable wage, certainly below the wage,
7 prevailing wage in the United States. So it is a
8 massively unequal playing field for those mariners
9 versus our mariners.

10 MR. SMITH: And if I could, I would just
11 add to that, that, as we said in our testimony and as
12 Mr. Giberga is alluding to, that cost is just
13 compounded daily. Quite a few years ago now, I
14 believe, in 2021 -- and it is referenced in our
15 testimony, in our prepared testimony -- we did a
16 survey between -- we got a bid from a foreign crewing
17 agent and then from a U.S. crewing agent for a
18 smaller-sized offshore energy vessel. The foreign
19 crewing agent provided a bid with workers with a
20 special kind of visa that foreign mariners utilize;
21 that, you know, there were numerous positions on that
22 berthing sheet that were making less than \$30 a day,
23 working in the United States for an extended period
24 of time. Obvious, that was not something that
25 Mr. Giberga's company can pay, that is illegal, and

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1 you would not be able to find a U.S. worker to accept
2 it. So it is an exploitive wage rate, not only
3 exploited of our market but exploitive of the workers
4 as well, and that is -- it's just a daily compound
5 cost that drives business to foreign tonnage when
6 there is U.S. tonnage available.

7 MR. GIBERGA: If I could just add one
8 note. 60 percent of the daily operating cost of a
9 U.S. ship is wage grade, so, you know, it's -- that's
10 the ball game; that's where the number is.

11 MR. HARTNETT: Chris Hartnett, DHS.

12 Mr. Smith, I'd like to start by thanking
13 you for the comprehensive written testimony you
14 submitted, the options laid out and, in particular
15 today, bringing out the civilian military fusion of
16 the Chinese shipbuilding even in sectors that are
17 sometimes providing offshore energy, especially in
18 that testimony you provided a little further.

19 If the fees are implemented, where could
20 they be redirected to create a maximum amount of sort
21 of offset in -- to the U.S. side? You just mentioned
22 mariners to the crewing costs. Would it be something
23 along the lines of an operational differential?
24 Would it be more along the construction side, cutting
25 down those costs? If these fees are collected, where

1 can we actually apply them to make the most
2 difference?

3 Thank you.

4 MR. SMITH: Certainly, and thank you for
5 the question.

6 I think there are three sources that we
7 need that capital to help compete and I think that
8 there have been numerous proposals recently that have
9 come out that have focused on that shipbuilding side
10 and that mariner training side. Those are both great
11 and I think those are two sources that should receive
12 funding. But both of them are missing a middle
13 component, and I think the middle component is
14 actually the most important component, and that is
15 the shipowners. A mariner needs someone to sign the
16 front of their paycheck in order for them to come
17 willing. No one is going to come into this industry,
18 you know, betting on a call. They're going to come
19 in because they have a lucrative position that can
20 provide a family with a supporting wage, so they need
21 a vessel owner that's commercially viable to provide
22 living wage.

23 Additionally, there's been a lot of focus
24 on shipyards; that is great again. But shipyards,
25 they're not building on spec. They need someone to

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1 put in an order. So there has to be something and,
2 yes, like we've alluded to and like you're trying to,
3 it is an operational, not necessarily even on the
4 CapEx side but on the OpEx side, because that daily
5 crewing differential and the daily regulatory delta
6 between regulatory compliance costs for a U.S. vessel
7 owner versus a foreign vessel owner just compounds on
8 a daily basis. We need to address that and that goes
9 to the vessel owner, not the shipyard or the
10 mariners.

11 MR. SULLIVAN: Mr. Young, you have
12 addressed how we should look at our remedies and
13 expanding our shipbuilding industry, but I'd like to
14 ask what has the EU done to address these issues with
15 Chinese shipbuilding?

16 MR. YOUNG: Well, I think we have also
17 seen in Europe some of the same impact on our
18 domestic shipbuilding sector as has been visible
19 here. First of all, ships stopped being made in
20 Europe and started to be made in East Asia and Japan
21 and Korea and increasingly, in China, and obviously,
22 still in Japan and Korea, but with China taking a
23 larger share of the market globally, as this exercise
24 also has shown.

25 We still have a shipbuilding sector that

1 is still active in certain niche markets, large
2 cruise ships, for example. I mean, you can't can
3 carry bulk cargo on those; you just carry passengers
4 having a good time. Obviously, we are interested
5 also to support and preserve our shipbuilding sector
6 while we still have a comparative advantage and a
7 capacity. And as I said in responding to the
8 previous question, we are very open and willing to
9 work with U.S. around rules of the road for the
10 sector in terms of what sort of the government
11 intervention makes sense, also what sort of
12 government intervention should be challenged, and
13 take the previous work that has been done in OECD as
14 a starting point to refresh and update and modernize
15 that to face today's world. So we're very happy to
16 try to have that conversation with the U.S. and other
17 countries who are interested to engage in that. And
18 we certainly encourage you, in your deliberations, to
19 think about the international dimension of this and
20 see the EU as a potential partner in taking this
21 forward.

22 MR. SULLIVAN: Thank you.

23 Second question regarding the concerns on
24 the cargo reservation industry. You mentioned that
25 the U.S. would be at odds under our obligations under

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1 international law. Do you think that China is also
2 obligated by the same international laws?

3 MR. YOUNG: Well, we -- some of the
4 instruments that we have in mind are ones which the
5 U.S. and the EU have joined but not necessarily
6 China, such as in the framework of the OECD, for
7 example. I think basically we all also have an
8 interest to consider the correct response to
9 competition from third countries, including from
10 China, where that competition is unfair and distorted
11 and may rest on non-market practices and policies
12 that are not just impacting this sector but others as
13 well.

14 So, again, we have in Europe, certainly in
15 a number of areas, developed toolkits to address
16 Chinese -- China markets challenge. And I think, as
17 I said, in our own shipbuilding sector, we are left,
18 for the moment, with a relatively narrow production
19 zone and, of course, we wish to preserve that and
20 make -- ensure that its global demands are still met.

21 MR. SULLIVAN: And would you find that
22 OECD is effective in countering any unfair practices
23 by members or also nonmembers?

24 MR. YOUNG: Well, I mean, we know OECD is
25 a form of or some form of -- more of rules of the

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1 road than many, that may need to be reinforced with
2 sort of positive action, which is adopted by
3 individual countries. But I think it is also, in the
4 first place, a good forum to, at least, kind of
5 launch that discussion and see how quickly you can
6 advance it on that track.

7 MS. BONNER: Thank you. Sarah Bonner with
8 the U.S. Small Business Administration. Thank you
9 all for your testimony. My question is
10 for Mr. Kravitz.

11 Mr. Kravitz, in your following questions,
12 you stated that having a delay of one to two years
13 will help small businesses to progress. However, our
14 committee is also looking at the rebuilding of the
15 U.S. shipbuilding industry. Could you share what
16 kind of adjustments would businesses need to take
17 during that time of one to two years that would lead
18 to that being a necessary delay? What kind of delay
19 or incentives would help increase U.S. shipbuilding?

20 MR. KRAVITZ: I think that that would give
21 time for, if a two-tier market is going to develop,
22 for -- to understand how it's going to operate and
23 who along the chain is going to bear the risk and how
24 it can be priced in to products that are exported and
25 imported. So there's some time to plan for how it's

1 going to happen.

2 In terms of developing the U.S. shipyards,
3 I think there were some interesting ideas that came
4 out of the first panel about significantly lower fees
5 across the board for foreign-flagged ships, and that
6 can correlate with the delayed implementation and
7 maybe a different scale for Chinese-built ships and
8 operators. But that is certainly a revenue stream to
9 going into a revitalization fund. Again, those are
10 30,000-foot answers about how you incentivize a yard
11 or recruit mariners. As it was mentioned, it's a
12 chicken and egg problem. You know, yards don't just
13 build ships; you need to have a customer base and
14 shipowners, and so there's a whole chain that needs
15 to be put into place.

16 MS. BONNER: Thank you.

17 MR. HARTNETT: Mr. Young, could you please
18 describe the EU's views as it relates to blocking and
19 any actions it has taken or considered taking as it
20 relates to --

21 MR. YOUNG: That one, I'm afraid I have to
22 take on advice and get back to you. I'm not in a
23 position to respond today.

24 MR. AU: Thank you to each of you for
25 testimony and your participation in today's hearing.

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1 That will release Panel Eleven, and we
2 will go for a short break, five-minute break, call it
3 2:21.

4 Thank you.

5 (Recess.)

6 MR. AU: Thank you. I'd like to welcome
7 Panel Twelve.

8 Mr. Davis, we'll start with you.

9 MR. DAVIS: Hello, esteemed panel. Thank
10 you very much for the invitation to testify.

11 I'm Carey Davis, president and CEO of the
12 American Association of Port Authorities, AAPA,
13 American's trade association representing 81 public
14 ports from coast to coast. Our members are large and
15 small, they move cargo of all types. We've been
16 representing this industry in Washington, D.C., for
17 112 years.

18 America's ports are responsible for \$2.9
19 trillion in economic activity and 22 million American
20 jobs.

21 Let me be clear, I understand our
22 collective mission here. I worked on Section 301
23 when I was an appointee at the International Trade
24 Administration in the first Trump Administration. I
25 understand what unfair trade looks like, which is why

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1 I want to make sure that the remedies get us to where
2 we want to go, which is a revitalized American
3 shipbuilding and maritime industry.

4 As an industry, we're doing our part. We
5 have a DOL, a Department of Labor apprenticeship
6 program which over the last five years, we've trained
7 116 shipbuilding apprentices, and 1,080 ship handling
8 apprentices.

9 I'd like to suggest that we shift the
10 paradigm of these remedies. We need to punish those
11 who do business with Chinese shipyards, not those who
12 want to do business with America, especially in our
13 ports.

14 First, I want to talk about how our supply
15 chain interacts with international shipping routes
16 and how the proposed remedies would upend this
17 system. Most container vessels delivering cargo from
18 overseas make at least three port calls in the U.S.
19 on each voyage. This allows carriers to unload cargo
20 as close as possible to its destination and key
21 freight corridors. At the other end of the spectrum
22 is the highly-focused supply chains, like we heard
23 with the Dole witness earlier.

24 American ports are always in competition
25 with their counterparts to the north and south. With

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1 ports on either side of our borders jockeying to
2 lower fees, reduce wait times, and move cargo as fast
3 as possible. The remedies, as proposed, would divert
4 cargo to Canadian and Mexican ports, as we've heard
5 for two days.

6 Most concerningly for our ports, and this
7 is the main point, the proposed fees would
8 incentivize ocean carriers to consolidate traffic to
9 the nation's largest ports, while cutting out small
10 and medium-sized ports from their routes. This would
11 cause significant congestion in large ports and
12 collapse the business lines at small and medium-sized
13 ports. The results would be higher inflation, more
14 unemployment, and higher trade deficits.

15 We contributed to a study that you've
16 heard a lot about over the last two days conducted by
17 Trade Partnership. If the proposed remedies were
18 implemented fully, and this is shocking, U.S. exports
19 could decline by 12 percent. Agricultural exports
20 will be especially hard hit, causing farm household
21 income to fall by 16 percent. The export of
22 petroleum and coal products would also decline by 8
23 percent. Adding a fee as high as three and a half
24 million dollars per port call would make many foreign
25 alternatives much cheaper than U.S. exports.

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1 American goods would be priced out.

2 An unintended consequence of the proposal
3 would be to underachieve on the President's promise
4 to unleash the American energy industry.

5 While not specifically named in the
6 proposed remedies, ship-to-shore cranes are directly
7 related to this conversation. AAPA is working
8 directly with the federal government to bring
9 production of ship-to-shore cranes back to America.
10 However, it will take years to stand up to
11 production. In the meantime, tariffs on Chinese
12 ship-to-shore cranes are simply a tax of port
13 development. We respectfully request that the Trade
14 Representative remove the last administration's
15 25 percent tariff on this critical equipment until
16 American industry has time to stand up to production
17 facilities.

18 To bring this all home, I want to
19 highlight a few principles that I urge the USTR and
20 the interagency -- sorry about that -- to consider as
21 you rewrite laws.

22 First, any remedies that seek to
23 revitalize American shipbuilding should punish future
24 orders from Chinese shipyards. That's what we want
25 to disincentivize. We should not punish companies

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1 that want to do business in the United States,
2 especially in our ports.

3 Second, we need to head off any cargo
4 diversions in ports of Mexico and Canada. Not only
5 will this cause congestion in our supply chain by
6 clogging truck and rail corridors, it would outsource
7 American jobs to our neighbors.

8 Third, any final remedies cannot
9 include fees assessed through a port call; doing so
10 would threaten to close small and medium-sized ports,
11 increase congestion at large ports, and cause chaos
12 throughout the supply chain.

13 Fourth and finally, just consider that,
14 based on my understanding, Section 301 gives the
15 Trade Representative the authority to regulate only
16 American imports, not exports.

17 AAPA supports measures to revitalize
18 American shipbuilding and we need a forward-looking
19 business friendly policy.

20 Thank you for inviting me here today and I
21 look forward to your questions.

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

23 Mr. Jenkins, please.

24 MR. JENKINS: Thank you for the
25 opportunity to provide testimony. My name is Charlie

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1 Jenkins, CEO of Port Houston.

2 Port Houston serves as the nonfederal
3 sponsor for the Houston Ship Channel, the nation's
4 number one port in the nation's number one export
5 region, handling approximately 12 percent of the
6 country's total waterborne tonnage. We have as many
7 ocean-going vessels transversing our channels as the
8 ports of LA, Long Beach, New York, New Jersey,
9 combined, and many more barge movements. Our purpose
10 is to generate maritime jobs for the region, Texas
11 and the nation. The Ship Channel is home to eight
12 public docks and over 200 private facilities. It is
13 the nation's petrochemical capital, and collectively,
14 we generate over 3.4 million American jobs, for 900
15 billion in annual economic impact, over 63 billion in
16 national tax revenue, and we generate much economic
17 activity, as well as being the energy powerhouse for
18 the country.

19 We support the administrative's goal;
20 however, we must encourage the administration to work
21 with our industry to develop a path forward that
22 minimizes unintended consequences on American
23 workers, exporters, and consumers from such immediate
24 potential implementation of these fees and tariffs.
25 Our manufacturers need time and support to develop

1 effective alternatives.

2 As an example, currently, the only viable
3 ship-to-shore crane options for Port Houston and
4 other U.S. seaports are those produced in China. A
5 small fraction of these cranes are produced in
6 Europe. This 25 percent tariff amounts to
7 approximately \$4 million additional costs per crane.
8 Port Houston began the process of acquiring new
9 cranes in 2023 before the announcement of a possible
10 tariff. Pending an exemption, we now face a \$28
11 million tariff this coming year. These cranes were
12 formally ordered in July of '24 and expect to be
13 delivered in early 2026, and this cost must be passed
14 on through the supply chain. We don't have
15 another option.

16 From our best data from crane
17 manufacturers, we have been presented with a minimum
18 three years needed to develop a single
19 proof-of-concept ship-to-shore crane manufactured in
20 the U.S. and approximately ten years to develop the
21 manufacturing capacity to produce any significant
22 number of cranes to purchase. To put this
23 into perspective, we have an order book of 22 cranes
24 over the next six years just at Port Houston; with a
25 current age of 30, that's over \$100 million of

1 potential tariff liability without a viable
2 alternative. The remainder of the U.S. ports have
3 over 200-plus port cranes in the order book planned
4 for the next six years, which is over \$700 million
5 impact, without a potential option. We
6 respectfully request that the previous Trump
7 Administration's recognition of these challenges, an
8 exemption of the ship-to-shore crane and cargo
9 handling equipment from Section 301 tariffs be
10 reinstated. We ask for re-examination of this
11 exemption as we wait for proof-of-concept and
12 domestic production to actually produce a viable
13 alternative to the crane Chinese product.

14 We believe providing U.S. companies
15 incentives to nearshore or reshore STS cranes is the
16 pathway forward. As we wait for viable non-Chinese
17 options, we propose issuing an annual waiver process
18 with a comprehensive review of available cranes to
19 meet U.S. demand. When we have sufficient
20 alternatives, the waiver should end. This annual
21 period would give ports and marine terminal operators
22 time to plan and prepare for the shift in the
23 ship-to-shore crane supply chain.

24 Regarding the proposed fees on
25 Chinese-manufactured vessels, a much larger issue,

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1 many of our industry partners and customers have
2 spoken to this committee and have sent data to help
3 quantify the effect of these fees. For example, when
4 we break down the potential cost for an import
5 container of 20 to 30 percent, that equates to a cost
6 of doubling in export containers. An export cost is
7 about a third of the cost of an import container in
8 the United States and Houston is one of the largest
9 exporting ports.

10 These fees would also impact the energy
11 and chemical sectors, both on the import and the
12 export side.

13 Crude tankers, product and chemical
14 tankers, and LNG carriers would all be negatively
15 impacted by these proposed fees. Currently, only
16 three countries -- China, Japan, and Korea -- are
17 capable of building a complex chemical tanker, and
18 it's estimated that a U.S. version would cost six
19 times the cost of building in these other markets.

20 In conclusion, we wholeheartedly support
21 the administration's end goals of strengthening
22 domestic manufacturing and reducing America's
23 dependency on China. We ask that you work with us,
24 in our industry, to identify the time and steps
25 needed to successfully lead this transition both for

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1 the crane example and for vessel manufacturing.

2 A potential solution could make this be
3 forward-looking at new vessels to be ordered, with
4 the grandfathering of existing vessels. This would
5 reduce immediate unintended harm to American ports,
6 workers and exporters while moving us closer to our
7 shared end goal.

8 We appreciate your team working with us
9 and welcome the opportunity to further --

10 MR. AU: Mr. Jenkins, I'm sorry, your time
11 is up.

12 MR. JENKINS: Yes, sir. Thank you.

13 MR. AU: Mr. Bentzel, please.

14 MR. BENTZEL: NAWE is a non-profit trade
15 association whose member companies are
16 privately-owned stevedores and MTO operators, both
17 public and private, and other U.S. waterfront
18 employers. NAWE's member companies engage in
19 business at major U.S. ports on all coasts, Great
20 Lakes, and Puerto Rico. With over 50 members, NAWE's
21 membership handles the vast majority of the nation's
22 containerized trade, a substantial portion of the
23 nation's breakbulk trade, and a majority of the
24 nation's cruise ship passengers. NAWE's members
25 handle the nation's supply chain. Any action

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1 impacting trade through our ports will first be felt
2 by the members of our association.

3 We've reviewed the section of -- the
4 report on the Section 301 investigation and can find
5 no fault with the report. Previously, I had the
6 privilege of serving as a federal maritime
7 commissioner, where I investigated the Chinese market
8 domination and the maritime container manufacturing
9 market, and I believe there's a trade basis for
10 action against Chinese-controlled companies in the
11 U.S. maritime, logistics, and shipbuilding sectors.

12 While there is a basis for trade actions,
13 I would suggest that the penalties could also have
14 negative consequences to my association members and
15 the United States economies, in general. The U.S.
16 economies depend on services of my members to a
17 degree that I believe few in the public would
18 understand. Most of our nation's retail products
19 flow through marine terminals, as do the components
20 that are used in U.S. manufacturing, food production
21 and delivery, chemical and chemical product delivery
22 and healthcare product delivery. The nation relies
23 on just-in-time delivery of services that would have
24 been unfathomable 40 years ago and the
25 interconnective nature of our trade requires high

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1 levels of synchronized in the movement of cargo.

2 One only has to look back at the pandemic,
3 when we had congestion in the shipping, where the
4 spot market rates of containerized shipping increased
5 by 1,500 percent and delivery took three times
6 longer, handling 27 percent increases of
7 containerized cargo. The result of that pandemic was
8 inflation, costing the U.S. economy trillions of
9 dollars.

10 The proposed penalties of 1.5 million per
11 ship call for Chinese-flagged and Chinese-built
12 vessels could increase the cost of 40-foot container
13 movements by anywhere from 1,200 to 1,600 per
14 container. This increase might not adversely impact
15 higher-valued commodities, but for lower-valued
16 commodities or commodities that have lower pricing
17 elasticity, this could be crippling. NAWA represents
18 companies that rely in rate bulk shipping services
19 and trade on small margins. Failure to exempt this
20 type of service could destroy the trade. Similarly,
21 smaller-sized container shipping lines with less
22 volume could also be disproportionately harmed and we
23 would urge similar exemption for this trade.

24 Perhaps a greater concern is potential
25 market concentration and consolidation. NAWA members

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1 invest millions of dollars in marine cargo and
2 handling equipment in fixed locations. Ocean
3 carriers, by their very nature, can adjust to trade
4 and can adjust -- to avoid cost impacts, will adjust
5 in a way that a terminal cannot. The shipping lines
6 make decisions to alter the frequency of service, or
7 cancel, consolidate, or reduces sailings, which will
8 materially impact the services that are provided
9 through our terminals and cause harm to our
10 businesses. This would be especially harmful to
11 those maritime terminals located in the medium or
12 smaller-sized ports.

13 NAWE would recommend avoiding potential
14 port call consolidation by adjusting any penalty or
15 fee from a per-visit assessment to a per-voyage
16 assessment. This would remove the incentive to
17 consolidate port calls.

18 In the event a determination is made to
19 issue penalties, we would stress the need to ensure
20 that cargo is not diverted from U.S. ports to maybe
21 Mexican or Canadian ports. Already U.S. ports suffer
22 cargo diversion because of the imposition of the
23 harbor maintenance tax. For example, in 2005, around
24 5 percent of our cargo imported in from the West
25 Coast was imported through Canada to Chicago, a major

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1 intermodal shipping gateway. Now, well over 50
2 percent of the intermodal cargo is going into that
3 market. It is NAWA's position that both the HMT
4 amounts and any proposed penalties should be assessed
5 on land-bridge cargoes.

6 Our association supports and we have
7 members that are engaged in cargo handling equipment
8 and the supply of services to the United States and
9 to my industry's members, so we're supportive of what
10 we're trying to do here. We believe that if the
11 penalties are assessed, they should be redeployed to
12 sustain the base -- the maritime industrial basis
13 transition to a new economy.

14 So with that, thank you for the
15 opportunity to talk and thank you very much.

16 MR. AU: Thank you, Mr. Bentzel.

17 Mr. Kochanowski.

18 MR. KOCHANOWSKI: Thank you.

19 My name is George Kochanowski,
20 president/CEO of Staxxon, a company with a bold
21 solution to a pressing challenge: China's
22 overwhelming dominance in the maritime supply chain.
23 As your Section 301 report highlights, China controls
24 over 95 percent of the world's production of shipping
25 containers, a group that threatens our economy and

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1 national security. As you have heard over and over
2 during these last two days, and I'm borrowing from my
3 friend Mark Levinson's book, The Box, "The shipping
4 container made the world smaller and the world
5 economy bigger", and yet, the Section 301 does not
6 talk about the container itself.

7 Today, I'll introduce Staxxon's patented
8 folding shipping container, made-in-the-U.S.A.
9 innovation that slashes costs, eases port congestion
10 and revitalizes our steel industry, offering a path
11 to reclaim American competitiveness in shipping.

12 Let's start with the stakes. China
13 produces 95 percent of the global shipping
14 containers, 86 percent of the intermodal chassis, and
15 70 percent of the ship-to-shore cranes. During the
16 pandemic, their production soared from 3 to 7 million
17 TEU, ensuring their exporters thrived while American
18 almond farmers -- about 1.1 billion pounds, I might
19 add -- in California, soybean growers in Ohio, and
20 cotton producers in Texas couldn't get containers to
21 ship their goods. This wasn't an accident. China
22 prioritized their supply chain, leaving ours
23 vulnerable. The result: Lost businesses, stalled
24 exports, and a stark reminder of our reliance upon
25 foreign manufacturing.

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1 South Korea, India, and Vietnam are now
2 building their own container manufacturing industries
3 for national security; we must act too.

4 At Staxxon, we have developed a
5 ISO-compliant folding steel container that tackles
6 these challenges head on. Unlike traditional
7 containers, ours fold when empty, reducing the volume
8 by up to 80 percent. Five folded containers fit into
9 the space of one, transferring how we move and manage
10 intermodal logistics.

11 Repositioning empty containers costs the
12 industry over \$30 billion yearly, with the consumer
13 picking up the tab. Our design cuts that by 75
14 percent, saving \$20,000 per container annually.
15 Despite higher upfront costs due to U.S. labor and
16 steel, the return on investment with that kind of
17 savings begins within one year.

18 For those that don't know, we exported 17
19 million TEU in 2022 empty. We were and are the
20 biggest exporters of nothing; that wasn't cheap and
21 there was no ROI. With 80 percent less space needed
22 for empty containers, we free up clogged ports,
23 boosting efficiency where it's needed most. Recall
24 all those ships off the California coast with
25 maximum, overflowing empty containers, yet California

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1 almond farmers couldn't get their hands on any empty
2 shipping containers. This isn't just a better
3 container, it's a better system invented and patented
4 in the U.S.A.

5 Beyond logistics, our solution strengthens
6 America's industrial backbone. Building three to
7 four million TEU every year, we demand 30 to 40
8 billion pounds of steel, breathing new life into our
9 steel industry. That's thousands of jobs in steel
10 towns, creating a ripple effect in economic growth.
11 Let's not forget millions of linear feet of flooring
12 and millions of gallons of paint. Unlike
13 shipbuilding, which could take decades to scale,
14 container production can start within a year and
15 deliver results fast.

16 Here's the game changer, because our
17 design offers unmatched efficiency, the global
18 shipping industry, all carriers, including Chinese
19 carriers, would need to buy American to stay
20 competitive. I applaud your efforts, but fees alone
21 won't solve our container shortage or ship production
22 overnight. Staxxon's folding containers complement
23 these measures with an immediate impact. One
24 container made in the U.S.A. doesn't replace a
25 Chinese one, it sets a new global standard.

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1 So here's my call to action, pay a variant
2 of your docking fee strategy with a push for domestic
3 container production, starting with Staxxon's folding
4 design. Support us with incentives to scale
5 manufacturing and watch the benefits unfold:
6 Thousands of steel jobs, billions in savings for U.S.
7 shippers, which can be shared with consumers, a
8 stronger, more resilient supply chain free from
9 foreign control. Let's not respond to China's
10 dominance, let's outpace it with American ingenuity.

11 Thank you.

12 I'll leave the last paragraph off.

13 Imagine taking an American shipbuilder and
14 an American most efficient container and now you can
15 compete in the global marketplace.

16 MR. AU: Thank you, Mr. Kochanowski.

17 And I'll turn to questions from the panel.

18 MR. COOK: Ian Cook, Department of
19 Commerce. This is for Mr. Davis.

20 What are your thoughts of the best way to
21 facilitate a transition away from reliance on
22 Chinese --

23 MR. BURCH: Can you pull the microphone up
24 closer?

25 MR. COOK: Sure thing.

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1 What are your thoughts on the best way to
2 facilitate a transition away from reliance on Chinese
3 equipment and technology?

4 MR. DAVIS: Thank you very much for the
5 question. It's something that the trade association
6 and the industry grapples with every day. I'll be
7 the first to admit that maybe shipbuilding, per se,
8 is a little bit outside my zone and the zone of the
9 port authorities. But we know this issue very well
10 when it comes to ship-to-shore cranes and other cargo
11 handling equipment, imagine other crane types,
12 forklifts, et cetera, et cetera, trucks, et cetera.

13 So in a nutshell, we've worked a lot with
14 many of the departments that are represented on this
15 very panel, in deed, we have worked on a future
16 demand study funded by the Maritime Administration
17 with the U.S. DOT to first take a look at, okay,
18 what's the future market approach of ship-to-shore
19 cranes and entry cranes and forklifts over one year,
20 two to five years, and six years? Okay. Now, let's
21 bring the domestic and foreign crane manufacturers
22 that are doing business in the United States all to
23 the same table to talk about, hey, is this a juicy
24 enough demand signal to do some business here in the
25 U.S.? Hey, federal government and Congress, are

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1 there some financial incentives that we can -- some
2 manufacturing incentives that we can throw into this
3 game? And we're working on that continually, and I'm
4 not prepared, at this second, to talk about it, but
5 we're working on legislation, basically, to support
6 manufacturing.

7 One of my fellow panelists has proposed
8 legislation on the Capital Construction Fund, which
9 was also mentioned earlier, in another tax preference
10 investment mechanism through the federal government
11 for domestic construction of equipment.

12 So I'm just throwing out a few ideas and a
13 few steps along the process, but these are all the
14 types of things that the industry is doing along this
15 sector.

16 MR. COOK: I guess kind of connected to
17 the larger conversation a little about cranes, and
18 I'm curious if there is a connection with
19 shipbuilding, is there some kind of overlap or, you
20 know, zero-sum game when it comes to -- you know, I'm
21 thinking of crane construction occurring at
22 facilities that would be also used in shipbuilding or
23 other like large industries. Are you aware of any
24 overlap or like a situation where someone would have
25 to kind of choose either to be in crane manufacturing

1 or shipbuilding?

2 MR. DAVIS: I think others are going to
3 know a lot more about this than me. But on the
4 surface level, I think there is some colocation
5 ability where a shipyard/heavy industrial
6 manufacturing facility can make vessels of a certain
7 size, maybe not the world's largest, but vessels of a
8 certain size, as well as cranes. And in fact, part
9 of the issue with ship-to-shore cranes is they have
10 to be produced near the water because that makes it
11 feasible for them to be delivered to ports, certainly
12 with shipbuilding, of course. So I think there's
13 some -- there's some marriage there, but I'd like to
14 get more information on that and respond in my
15 post-hearing.

16 MR. COOK: Thank you.

17 MR. JENKINS: Yeah. First off, I'd like
18 to take a quick stab at your first question. I'll
19 give it four words: Develop viable alternatives.
20 That's the key of re-sourcing of those activities.

21 The cranes and the ships have very,
22 very similar issues: A lot of steel, a lot of
23 welding, a lot of drives and motors and whatnot. But
24 one of the issues in play is the amount of
25 sophistication and specialty of each of these

1 different things. There are many, many, many
2 different ship types; some are very, very
3 complicated, like a chemical tanker, that's never
4 been built in the United States, or a cruise ship is
5 also very complicated, where a tanker is actually
6 fairly simple, in respect to the two. So one thing
7 is dilution is always a problem in excellence. So,
8 yes, you can combine them. My strong preference
9 would be separate groups focusing on the various
10 activities, just for the economic benefits.

11 MR. BENTZEL: So I -- I looked at this
12 issue back 20, 30 years ago, and one of the two
13 issues that we identified as cross issues was the
14 steel subsidies that are being provided in China. I
15 think they're about 270 percent. I think USTR comes
16 up with the calculus on that. But that's a
17 substantial portion of two-thirds of your vessel is
18 attributable to the cost of the products that you use
19 in the construction; that's the issue.

20 The other thing that we looked at is the
21 U.S. market didn't sustain volume quantities that
22 would allow us to learn how to build more
23 efficiently. So engaging in serial production
24 over and over again of the same type of vessel. The
25 estimate is it could reduce the cost by 35 to

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1 50 percent if we had a series of productions of a
2 particular type of vessel. So I mean, I think some
3 of the things that Carey mentioned with respect to
4 financing for equipment that we get access to, so
5 maybe some of the programs with the United States
6 Government pulling resources to do and trying to
7 purchasing, for instance, to increase the purchasing
8 power to try to combat those subsidies. But there's
9 a number of things that could be done, but it will
10 take time and, frankly, there will have to be some
11 accommodation for transition.

12 MS. BONNER: Sarah Bonner with SBA's
13 Office of Manufacturing and Trade. My question is
14 going back to Mr. Jenkins.

15 Could you also share if you have any
16 suggestions on how the proposed action could be
17 altered to incentivize alternative sources for
18 ship-to-shore cranes?

19 MR. JENKINS: If there is a requirement
20 then -- or if there is a tariff that will be in play
21 when we have capacity, I believe that in part will
22 incentivize companies to make the investment on that
23 bet. The problem is the bet and the consistency of
24 the commitment, so we need to figure out how to make
25 a long-term enduring commitment where they can get a

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1 return or guarantee of their investment in return,
2 that's one of the challenges.

3 MR. BAUNACH: All right. Leo Baunach,
4 U.S. Department of Labor.

5 Mr. Bentzel, could you comment on the
6 risks of a passthrough cost of the fees and the
7 remedies on ocean carriers to cargo owners and
8 consumers, and do you have views on how these fees
9 can be designed to prevent or minimize an event?

10 MR. BENTZEL: So the general equation is
11 that transportation costs attributable to a
12 particular product range from about 2 percent to
13 10 percent. So it's a relatively small portion of
14 the total land and cost. And I'll give you an
15 example on the 2 percent or less side, if you have a
16 40-foot container that's taking Levi's jeans into the
17 United States, you can get a lot of Levi's jeans in
18 that container and those will be sold for \$100. So
19 your transportation costs and increases are more
20 manageable.

21 If your scrap paper or other commodities
22 that trade on the margins, that is a much higher
23 percentage of costs. So the weight -- even though
24 all costs will contribute to the transportation cost,
25 there are certain markets that can bear the

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1 additional cost more. And so I think you need to
2 identify a fee structure, if you're proposing a new
3 fee that would exempt those portions that are more
4 reliant on that transportation service as a larger
5 component of their cost because that will affect our
6 ability to compete as a nation in those markets.
7 Other costs may be capable of being absorbed.

8 We know that the ocean carriers will
9 attempt to pass on costs as a result of the fees and
10 penalties. The Federal Maritime Commission, where I
11 worked at, is entitled to look at any charges to
12 determine whether they're reasonable. So there is
13 some level of ability to protect against unreasonable
14 fees, but my experience has been there's always a
15 transition based on supply and demand on when those
16 fees will be transferred to a shipper or consumer
17 based on the market. If there's a lot of space on a
18 ship, then those costs are not transferred to the
19 consumer or the shipper, they're eaten by the
20 carrier.

21 The market and shipping has been depressed
22 over time, until the pandemic when it went way up and
23 then it went way down a little bit. So it's a
24 variable market in terms of the ability of the
25 carriers to pass along those costs. But it's more

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1 important to address those aspects where
2 transportation is a larger component of the costs and
3 the competitiveness of the costs.

4 MS. BONNER: I would just like to ask
5 Mr. Kochanowski.

6 MR. KOCHANOWSKI: George works real well.

7 MS. BONNER: Thank you. Thank you for
8 testifying. I believe you're a small business owner
9 on the panel. Could you also share if you have
10 further ideas on how the proposed action could be
11 altered to incentivize more use of containers that
12 are made in the United States?

13 MR. KOCHANOWSKI: Well, I'd like to
14 preference my answer in helping these guys out. If
15 we produce 30 to 40 billion more pounds of steel, the
16 overhead and absorption will be greater and lower
17 steel cost to help the shipping industry. When
18 you -- so that's a big help. Especially something
19 like a high quality steel plate, you will be able
20 to -- we are producing a lot more of it and you
21 already have a consumer and if we are producing 4 or
22 5 million containers a year, that's like razor
23 blades, every year. It doesn't matter. So all the
24 costs and absorption is there, which then drives them
25 to becoming more competitive. So a container from

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1 China costs four grand, I can't buy -- pay a ton --
2 four tons of steel in the United States for \$4,000.
3 So I have to have an economic reason to drive the
4 cost down with a full container. If there are
5 trucking fees -- an empty container still costs
6 money, the chassis, the driver, the stacking, the
7 management and all these other things. They're just
8 hidden, billions of it disappear. So by having --
9 and unlike these businesses you can distribute them
10 around the country where you can have fabrication in
11 multiple places. For the export industry and
12 agriculture, you would have an empty container ready
13 to ship anything outside out of the United States any
14 time, which is not available today and there's a big
15 cost for that. So in the small business
16 administration, you can incentivize all kinds of
17 industries to make the locking rods, the rubber and
18 all those other things which are not in the United
19 States today. A 100 percent of our containers
20 brought by the DOT is made from kids in China. We
21 need to move all that over to the United States. So
22 I hope I've answered your question and provided some
23 additional info. From a pure business standpoint,
24 increasing steel production in the United
25 States helps every single one of these other

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1 considerations.

2 MS. MADELL: Thanks. Mary Lisa Madell,
3 from the Department of Transportation. I have a
4 question for Mr. Davis, maybe a little bit of
5 speculation, how do you think a consolidation of port
6 calls could shift truck and rail routes within the
7 U.S.? So interested where you think you would see
8 the biggest issues with disruption of routes or
9 congestion if there were fewer calls on small and
10 medium ports --

11 MR. DAVIS: Thank you very much --

12 MS. MADELL: -- on the land side in the
13 past?

14 MR. DAVIS: Thank you very much for the
15 question. You are probably hitting on the single
16 biggest operational hang up that we have in the case,
17 which is trying to deal with the consolidation and
18 congestion at the large gateways. So I don't like
19 naming names, but we can all imagine some of the
20 largest gateways that would become the hubs for the
21 carriers with the largest amount of port call,
22 whether it's here in New Jersey or Savannah or
23 Norfolk or Houston or LA/Long Beach and then, you
24 know, just about any other medium or small port would
25 get skipped over. If this proposal gets put into

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1 place as written, that's what would happen. Of
2 course, there is some ability for the trucking
3 community to lead, you know, if they have choice,
4 they can take -- and if they own their equipment,
5 they can take their truck and go to one of those
6 large ports and start doing their business there in
7 trade, taking their cargo from another port city to
8 wherever it is headed. Much more difficult to change
9 rail routes because there's so much more fixed
10 capital that's required there, so we would
11 immediately see immense congestion on the rail lines
12 that service those large gateways in an era when
13 there's already rail congestion. I haven't been
14 asked the question, I think the answer is kind of
15 wrapped in the question.

16 MR. KOCHANOWSKI: If I can add a comment
17 to the rail congestion. As I told a funny story, we
18 could not get stuff onto our trains to move it out to
19 the west coast because we were sending our empties
20 back to Asia to ship Barbie dolls for Christmas. And
21 if you could consolidate these empties, you'd create
22 space on that congested train and make available for
23 export or you can get the empties off the trains
24 faster and make more transits with the same amount of
25 capital investment you have today.

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1 MR. JENKINS: If I could add a quick
2 comment. In our market, low cost supply chain wins.
3 And if you get into larger load ports and you lose
4 some of the other ports, it's all about proximity to
5 where cargo is coming. Some of that cargo would be
6 shifted via feeder ship or barge to other ports.
7 Some of it would go to trains and some of it would go
8 to truck. It's all dependent on what the supply
9 chain is or where it's going to or coming from, so it
10 would hit all of them. The challenge with that is we
11 do not have the road or the rail capacity in the
12 United States to add that kind of volume quickly into
13 our system. It would cause severe congestion in all
14 of those modes of transportation.

15 MR. BENTZEL: Yeah, I would like to add --
16 the bigger -- the larger challenge would be stranded
17 at costs. Right now the railroads really don't
18 invest in railroad infrastructure at ports or
19 terminals. They wait until we develop the railroad
20 infrastructure. So, for instance, in Baltimore
21 there's a \$300 million project to carve out the
22 tunnels to allow double stacked trains. And so
23 Baltimore is the perfect example of a port that's
24 used now that probably wouldn't be used as much
25 because you have Savannah and New York as the

1 alternative. So there would be stresses on the
2 system and the development of the infrastructure to
3 spread things out a little bit more and challenges in
4 the loading port centers to handle additional
5 capacity.

6 MR. BUTLER: Okay.

7 Thomas Au from the Office of the United
8 States Trade Representative. Lauren's point I have a
9 follow-up question that was posed yesterday, why
10 would a vessel go through a congested port if there's
11 a secondary port available?

12 MR. DAVIS: Sorry. Would you repeat the
13 question?

14 MR. BUTLER: Yeah, why would a vessel be
15 sent to an over congested port if there's a secondary
16 port available?

17 MR. BENTZEL: So during the pandemic,
18 congestion originally started in LA/Long Beach, the
19 problem is in addition to the maritime infrastructure
20 that we have, every large company has their own
21 logistic services in distribution centers and they're
22 usually centered around those load centers where they
23 service. They're extremely reluctant to change to
24 another facility where they can't replicate all of
25 this other land side infrastructure put in place. So

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1 when they make a decision to move, it's very -- it's
2 very difficult for them to do that because they're
3 going to have to replicate all of this land side
4 distribution and warehouse. So it's a large network
5 where they have their own infrastructure that they
6 use for the commitment of their products throughout
7 the nation and so every time they have to shift, it's
8 traumatic and has additional costs. So during the
9 pandemic, the reason we had 150 ships waiting
10 offshore every day was because there wasn't any
11 agility in the structure of movement and they just
12 stayed there. And then they got -- they panicked and
13 they started buying more and creating more congestion
14 in the market, inequality and the ships weren't
15 moving. So the market itself is reluctant to make
16 changes to their shipping services.

17 MR. DAVIS: I only just add to that
18 excellent answer and it might sound crass, but if the
19 cost to the transport provider in dollars and cents
20 and reputation is less than a million dollars that
21 they would otherwise have to pay a million dollars if
22 they go to that port, then they choose not to go to
23 the small or midsized port and they'll absorb
24 whatever reputational and ancillary costs they have
25 to take to skip the port. In other words, it's a

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1 pure dollars and cents calculation to avoid it.

2 MR. SULLIVAN: So to follow up on all of
3 this, it kind of -- would you confirm that this
4 creates an opportunity for Jones Act trade to support
5 secondary ports if we're at max capacity on land?

6 MR. JENKINS: In areas where it's a low
7 cost supply chain. In Houston we have had many
8 companies come in and try to start barge services and
9 they cannot compete versus the truck under present
10 U.S. laws. In Europe, where there's a higher diesel
11 tax for trucks than there is for barges, it's a much
12 more competitive environment. But if you just look
13 at the supply chain costs, to get loaded on one side
14 of our channel with barges, come across the channel
15 and reload or from a nearby port, it's more expensive
16 than truck even with the present level of congestion.
17 So the answer is where it makes economic sense, it
18 will expand that part of the Jones Act.

19 MR. BENTZEL: Yeah. I agree with Charlie.
20 We do -- we have -- so the ports in Antwerp and
21 Rotterdam, for instance, are huge import ports. I
22 think Rotterdam and Antwerp and Hamburg are
23 90 percent of the European Union's services. And
24 through their ports about 50 percent of their trade
25 goes on container on barge services to the interior

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1 ports. And really because trucking is so competitive
2 here, we still haven't been able to overcome that.

3 They had some policies in Europe where
4 they wanted to take that cargo off the road, so they
5 set up some structures to make the barge service
6 commonly available to the big ports. But, yes, I
7 think there would be opportunities to use, in
8 particular, barge service for a container on a barge.

9 MR. JENKINS: Yeah. One issue is if that
10 cargo is going to the region of that part, it has
11 more probability. If the cargo is going further into
12 the intraland, it's going to have a new shorter route
13 into it versus going to that other port that had it
14 before and then transfer it back to a different way.
15 So it partly depends on where the cargo is going and
16 many of our container ports are served in a much
17 bigger market in the region. Where we're at 90
18 percent in the regional truck market, no other port
19 is that way.

20 MR. HARTNETT: Homeland Security. Staying
21 on this theme of congestion, but potentially from a
22 different angle. Mr. Bentzel, your testimony
23 indicates right now, 50 percent -- well over
24 50 percent of the incoming cargo that goes to the
25 Chicago market currently is diverted through Canadian

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1 ports; that's very sort of illustrative of the
2 diversion issues that you guys have been getting at
3 during this hearing that we've heard of. If, as part
4 of the remedy, HMT and other such fees are expanded
5 to Canada and Mexico, even through collaboration or
6 from closing the land port or assess land port
7 management, should we be considering any form of
8 congestion at U.S. ports as now it becomes more
9 viable for that cargo to come through the U.S. ports?
10 I understand it would be a good problem to have but
11 how would sort of address that?

12 MR. BENTZEL: You know, so for instance,
13 Pacific Northwest ports, Seattle, Tacoma can easily
14 accommodate that. There's some diversion to Mexico
15 right now. There's some on the Atlantic side.
16 Canada has policies that are different from the
17 United States. Their policies are going to focus on
18 the development of one or two ports. And those
19 ports, in particular, are structured to go after U.S.
20 cargo. There's just not enough cargo in the United
21 States. So they invest much more from a federal
22 government speculative, you have to a have
23 queen's franchise agreement to be in the
24 international port. The United States, the U.S.
25 Constitution says that the federal government can

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1 take no action to discriminate against any port and
2 that was to set up the ability of each state to
3 generate their own business opportunities.

4 I think there's plenty of capacity,
5 especially for these northern tiered ports, they've
6 been arguing for this for a long time. They have
7 rail services that can get into Chicago adequately.
8 I don't know -- a little -- Mexico is a little bit
9 different in the southern border.

10 MR. JENKINS: Mexico has significant
11 congestion, they'd have to do a lot of development to
12 overcome that congestion, but it is a risk.

13 But I want to caution real quick, the
14 conversation we're having right now are about
15 consumer goods and containers and the majority of the
16 products we ship in international trade are not
17 containers. The chemical, the energy, those other
18 products, are having a massive growth. We've become
19 dominant in the United States in the international
20 trade of the chemical and the energy market, in part
21 of because of fracking, low cost feed stock, the
22 retooling of our investments in the petrochemical
23 industry, which has caused a significant increase in
24 U.S. exports to the world market. Those products are
25 in much more jeopardy than containers because of the

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1 specialty of their market and because of the cost of
2 their transportation in the market. A number of your
3 other speakers have commented on that. But I just
4 caution as we talk about this, every segment of our
5 industry has a little different perspective as these
6 tariffs potentially apply to it.

7 MR. KOCHANOWSKI: Adding one more piece
8 about it is, a ship from Shanghai makes it to
9 Vancouver or -- in one day less in total ship
10 transport. So that's an advantage for them as well,
11 instead of going all the way down to the coast of
12 California.

13 MS. HASANDRAS: Rachel Hasandras for the
14 Office of the United States Trade Representative.

15 This question is for Mr. Davis, although
16 Mr. Bentzel might want to weigh in. How would you
17 suggest the proposed actions be altered to minimize
18 the impact on the transportation network?

19 MR. DAVIS: Yeah. Thanks for the
20 question. I think I come back to one of the pillars
21 I recommended towards the end of my testimony, which
22 is get at the behavior that we're trying to penalize,
23 which is -- the industry -- we would gladly work with
24 U.S. tariffs to try to figure out the best way to do
25 this, it's beyond what I can. But I'm sure it's

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1 doable. Find out when a purchase from a Chinese
2 shipyard occurs and apply the penalty at that point,
3 not when someone is coming to the U.S. to do
4 business, i.e. -- calling on U.S. ports. That's the
5 best way to get at the -- that's the best way to
6 structure the remedy, that gets at the behavior we're
7 trying to disincentivize while also, as you very well
8 said, minimizing the destruction on the
9 transportation network.

10 MR. BENTZEL: So I think we have to set up
11 an incentive to ensure that we don't consolidate at a
12 few ports that have a per-voyage fees as opposed to a
13 per-visit fee. I believe we have to give some
14 exemptions to those lower value break in bulk,
15 commodities that would be altered in terms of market
16 structure. I think we have to have a diversion fee
17 implemented so that U.S. ports are -- continue to be
18 used and I think that any money that is collected
19 needs to be used for redevelopment and transition.
20 So if we are paying penalties or we need additional
21 support going forward, the industry can achieve that
22 with assistance from the federal government.

23 MR. JENKINS: Yeah. I concur with both my
24 colleagues here. I think those are very accurate
25 answers. I also think it's very critical that we

1 slow the change that the free economy can adjust
2 effectively and find out ways how to adjust and
3 minimize some of the impacts. And I do think
4 grandfathering exists in vessels causing a stronger
5 new fee at that point in time will allow us to
6 transition in a much more effective manner versus a
7 very fast transition and change and potential
8 consequences.

9 MR. COOK: Ian Cook, Department of
10 Commerce. This is a question for Mr. Kochanowski.

11 So in a former life, I was an expert
12 pricing analyst, so my job was to avoid shipping
13 error, as you were describing. And so I'm curious
14 what is -- if you don't mind telling us about, what
15 is the price point that you're expecting for one of
16 your boxes versus a box that is manufactured in
17 China.

18 MR. KOCHANOWSKI: In the cost analysis
19 that we've done from lifts to moves to -- from lifts
20 to moves and the steel and labor and all that,
21 putting together the whole package, the total cost of
22 ownership is what we focused on. And so what we
23 determined is that even though the Chinese box is
24 given away to use at zero dollars, you would spend
25 about \$30,000 a year repositioning it as an empty

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1 container. Now, that has gone up in the last 12 to
2 14 months as the cost of energy has gone up, cost of
3 labor has gone up. As the volume of containers has
4 gone up, the land has not gone up. So your ports are
5 now shrinking that landlock, so there's not enough
6 movement in there. So now if you can take that fee,
7 let's say calling into Long Beach at \$750, and now
8 you put five containers on there, that's 250 per box.
9 A lift at Houston the last time I spoke was about
10 \$400, so now you're accumulating, these savings go
11 away. A ship loaded 50 percent faster on the way out
12 is now slow steaming, slow steaming reduces the air
13 pollution, a 10 percent reduction in speed is a
14 19 percent reduction in fuel costs. You do that
15 enough times, you're going to take 70 million --
16 you're going to reduce the air pollution and bring
17 carbon tax scenarios down significantly, you unload
18 the ship faster. So when you take that all into
19 consideration, under the harshest reviews from people
20 from Copenhagen to the U.S., I'm not allowed to use
21 their names, and in Marseilles, they've come up with
22 seven or eight thousand dollars using a folder
23 containers. Every single container that has been
24 tried all the way to Malcolm McClain were
25 collapsible. It was the ingenuity of making the

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1 vertical one so that it can be stored anywhere is the
2 significant difference. The numbers that you're
3 talking about that you've reviewed, you've seen by
4 companies from Holland, from -- China is now pushing
5 one right now as well. But they collapse and they
6 can stack high only and they're tough to move and
7 they're unsafe. Whereas this design, anticipated
8 this American ingenuity, so to speak, can solve the
9 problem. So when you're looking at the difference
10 between 7,000 and \$40,000 in costs per year per box,
11 that's a big number. So over the life of a
12 container, you're looking at about an operational
13 savings of about a quarter of a million dollars per
14 box. And that's the holy grail and it's been there
15 since, you know, Keith Tantlinger invented the corner
16 fitting. And so we hopefully would like to do that
17 in the United States with a big drive towards -- my
18 old friends in agriculture, I've spoken to guys in
19 Ohio and Indiana, for them to be able to pick up a
20 phone and get a container out of Dayton, that would
21 be outstanding versus, hey, where do you got one?
22 Who's got one available? And it doesn't get shipped
23 to you for free, that empty container, everyone
24 forgets that little tiny detail.

25 MR. COOK: Okay. Thank you.

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1 MR. AU: Mr. Davis, Thomas Au for Office
2 of the United States Trade Representative. In which
3 you discussed point of purchase, how would you
4 address all the point-of-purchase issues, where, say,
5 an entity that buys it may not be the entity that
6 owns it later on in the secondary market? So in a
7 sense you're flooding the secondary market --

8 MR. DAVIS: Well, I think you're hitting
9 at the challenge which I don't know how to answer,
10 which is how do you identify who's purchased it and
11 get it and penalize that purchase. I'd like to think
12 through that and get back to you on it.

13 MR. AU: Please.

14 And just one final question,
15 Mr. Kochanowski, are you -- you mentioned container
16 manufacturing in Southeast Asia, are you aware of any
17 connection to China with those enterprises?

18 MR. KOCHANOWSKI: Say it again, please.

19 MR. AU: You mentioned the container
20 manufacturing in Southeast Asia --

21 MR. KOCHANOWSKI: Yeah. They're all
22 connected to China. China produced 100 percent of
23 the corner fittings for the world. Even if we ship
24 it to Houston for repair, the side walls, roof
25 panels, they're all made for China. So for our

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1 manufacturing for the military -- I assume that's
2 where your thought was, or did I misunderstand your
3 question?

4 MR. AU: I guess what I'm saying is the
5 companies that you're referencing manufacturing
6 containers in Southeast Asia, to the point -- what is
7 their connection, to the extent that you're aware, to
8 China? So I guess what I'm hearing from you now,
9 just to clarify, is that they're getting their parts
10 from China?

11 MR. KOCHANOWSKI: Absolutely. Absolutely.

12 MR. BUTLER: Is there any ownership
13 relationship that you're aware of?

14 MR. KOCHANOWSKI: I am only going to guess
15 because I think what happens is they come in with a
16 shell company, make an investment with the proviso,
17 for instance, chassis, I'm 100 percent sure -- people
18 come in, they buy a company with the proviso that
19 they buy axles out of China and they'll ship them
20 into Canada or Mexico and they'll build them into
21 chassis or rail cars. So they look like an American
22 company, but they've actually got an investment
23 component from offshore.

24 MR. AU: Thank you. So that will conclude
25 this panel. Thank you each for your testimony today.

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1 We'll take a brief five-minute recess, we'll
2 reconvene at 3:23.

3 (Recess.)

4 MR. BURCH: Will the room, please, come to
5 order?

6 MR. BUTLER: Welcome back. This is Panel
7 Thirteen. We will get started with Mr. Morante,
8 please.

9 MR. MORANTE: Hi, good afternoon. My name
10 is Alberto Morante. I'm the president of Coral
11 Shipping Limited. And we represent Centurion Bulk, a
12 Singapore-based ship operator that charters and
13 operates across the America, with 80 to 100 ships
14 globally at any given time. Our operations are
15 deeply connected to the U.S. economy. In 2024 alone,
16 our vessels made nearly 100 port calls in the United
17 States, including cargo such as coal, petroleum coke,
18 fertilizers, scrap, grains, while delivering
19 essential imports, like lumbar, fiber and wood
20 pellets, salt, bauxite and alumina, among other
21 products.

22 I appreciate the opportunity to address
23 this panel regarding China's role in the maritime,
24 logistics, and shipbuilding sectors and the
25 implications and potential remedies under

1 consideration.

2 One of the key concerns I wish to
3 highlight is how proposed measures, such as fines,
4 penalties or fees from Chinese-built vessels, will
5 ultimately function in practice. It is important to
6 recognize that ship operation -- operators, like
7 Centurion Bulk, provide a service. We charter or
8 rent vessels to transport cargos we have from our
9 clients. Any financial burden imposed on vessels
10 built in China could largely pass through to the
11 shippers, importers and exporters that depend on this
12 service, many of whom are U.S. businesses.

13 Furthermore, our cargos typically consist
14 of full shipments for a single client, meaning that
15 any additional costs or fees will directly impact
16 that client. And like a containerized shipments
17 where costs can be distributed across multiple
18 parties, our model means that each fee or penalty is
19 fully borne by one company per shipment,
20 significantly increasing the financial strain in U.S.
21 exporters and importers.

22 Additionally, most ship operators
23 have Chinese-built vessels in their fleet. Whether
24 owned or chartered, the structure of ship ownership
25 and operating is highly complex. A single vessel

1 involves multiple operators, including the
2 shipbuilding country, the flag of the ship, its port
3 of register, the head owner, the ship manager, and
4 various other owners in the chain. Ultimately, the
5 ship operator, who acts as the ultimate determinator,
6 delivers the vessel service to the shippers, the
7 clients who rely on maritime transport for the
8 cargoes.

9 This raises important questions regarding
10 the scope of the proposed measures. If a company
11 operates tonnage that is partly connected to
12 Chinese-built ship, does that mean that vessels
13 already owned or operated by firms like Centurion are
14 not affected? Or does this impact extend further out
15 in the ownership chain? For example, if we do not
16 own any Chinese-built ships, but the owners who are
17 long-term Japanese chartered vessels have
18 Chinese-built ships in their broader portfolio, would
19 that implicate us as well.

20 This raises important questions about who
21 those measures would impact the most. Are the
22 intended targets the vessel owner, the ship operator
23 or the importers/exporters who rely on maritime
24 logistics?

25 Right now, uncertainty surrounding

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1 potential policies is already having a disruptive
2 effect. The market has slowed down considerably as
3 shipowners and shippers hesitate to make new
4 commitments until there is clarity on how and when
5 these measures could be implemented. In the past
6 month, we have failed multiple business transactions
7 to and from the U.S.A. due to the widespread concern
8 in the shipping community over these proposed
9 remedies. No one wants to take the risk or be
10 reliable for million dollar fees for loading or
11 discharging. This state of uncertainty is creating a
12 challenge for global trade, which, in turn, affects
13 American industries and consumers. The disruption is
14 already evidenced and this instability means we're
15 unable to price anything forward.

16 Changes, such as tariffs and taxes and,
17 more importantly, the insecurity of when and how they
18 will be implemented, could force us to look away from
19 America for the employment of our tonnage.

20 To help mitigate disruption, I urge the
21 USTR to provide clear guidance on the intended time
22 line for any proposed measures. If a policy is to be
23 implemented, businesses need a structured transition
24 period to adapt, ensuring that the impact of U.S.
25 supply chains is minimized.

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1 As an example of how similar policies have
2 been implemented elsewhere, Brazil merchant marine
3 tax provides a relevant case study. The tax is
4 limited on freight costs for cargo transported by sea
5 to Brazilian ports, intended to support domestic ship
6 building and maritime structure.

7 MR. BUTLER: Your time expired.

8 MR. MORANTE: Thank you.

9 MR. BUTLER: Thank you.

10 Mr. Lynch.

11 MR. LYNCH: On behalf of Hanwha Shipping,
12 the U.S. company and affiliate of the Hanwha Group
13 Companies, I want to thank the Section 301 Committee
14 members for the opportunity to express our strong
15 support of Trump Administration's --

16 MR. BURCH: Will you pull your mic a
17 little closer?

18 MR. LYNCH: -- general efforts to
19 counterbalance the acts, policies, and practices of
20 the People's Republic of China in targeting the
21 marine, logistics, and shipbuilding sectors for
22 dominance. We voice our specific support for USTR's
23 Section 301's investigation and ensuring the proposed
24 actions at issue in this hearing.

25 As background, Hanwha Shipping is the

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1 vessel ownership entity within the Hanwha Group of
2 companies. Hanwha Shipping's vessel ownership is
3 supported by our affiliated shipyards in both the
4 U.S. and Korea. The portfolio of Hanwha Shipping
5 consists of five modern carriers engaged in LNG and
6 crude oil transportation services, collectively
7 representing the frontier of shipbuilding production
8 methods and outputs allowing both expediency
9 and economization of cargo transportation. Such
10 capabilities were recently exhibited in the regular
11 overhaul of the U.S.N.S Wally Schirra, which our
12 affiliate Hanwha Ocean completed and reinstalled into
13 theatre on March 12th.

14 Hanwha Shipping fully supports the
15 findings of the USTR in their Section 301
16 investigation. The fee-generation potential, as
17 proposed, creates a necessary foundation for
18 financial support to enable the transfer of our fleet
19 into the service of the United States as U.S.
20 vessels. The test for economic viability and
21 military usefulness can only be accomplished with the
22 financial support being proposed.

23 Financial support is an absolutely
24 necessary precondition for Hanwha Shipping, and
25 similarly situated companies, to become U.S. vessels.

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1 It is, therefore, crucial that the best efforts are
2 undertaken to completely capture the proposed service
3 fees. Hanwha Shipping has undertaken a viability
4 study for cargo transportation economics which
5 supports the proposed levies. A sample is provided
6 to you all. Hanwha Shipping has also prepared a
7 recommendation for USTR to maximize the impact of the
8 proposed fee structure upon the most important
9 channels in the charter-market value chain. Once
10 implemented, we believe the proposed actions will
11 support the efforts to capture the dynamic behavior
12 of vessel operators and help make U.S. maritime
13 capabilities great once again.

14 For Hanwha Shipping, the proposed actions
15 would facilitate the entry of our vessels into the
16 service of the U.S., providing a clear pathway to
17 support for reestablishment of U.S. maritime
18 capabilities. Hanwha Shipping has already invited
19 our affiliate in the United States, Hanwha
20 Philadelphia Shipyard, to provide their workforce
21 with on-the-job training upon Hanwha shipping vessels
22 being constructed in Korea at our shipyard in Okpo.
23 The collaborative construction process between
24 affiliates affords a very clear, controlled, and
25 discrete channel of technology and skill transfer

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1 capabilities to the United States. Such a transfer
2 can only be done through the ownership channel and is
3 a unique capability of the Hanwha Group of companies.

4 Hanwha Shipping stands with the Trump
5 Administration's "All of Government" effort to
6 reindustrialize the maritime industrial base of the
7 United States, and looks forward to support, which
8 may allow us to become the center for maritime
9 operation and building excellence once again.

10 Thank you.

11 MR. BUTLER: Thank you.

12 Ms. Chen.

13 MS. CHEN: Good afternoon. Thank you for
14 the opportunity to testify today. My name is
15 Jennifer Chen, and I lead Balsa Research, a
16 nonpartisan/nonprofit organization focused on federal
17 policy to promote human flourishing.

18 Balsa Research appreciates the USTR's
19 commitment to the addressing China's concerning
20 practices in the maritime sector. I would like to
21 focus my testimony today on the proposed restrictions
22 to promote transport of U.S. goods on U.S. vessels.

23 One proposed restriction mandates a
24 progressive increase in the share of U.S. exports
25 transported on U.S.-flagged vessels, reaching

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1 15 percent over seven years. Our analysis shows that
2 this requirement is untenable given the current U.S.
3 fleet capacity and shipbuilding capabilities. Let me
4 explain why with some specific data.

5 As of 2024, there are only 185 large
6 oceangoing cargo-carrying vessels in the U.S.-flag
7 merchant fleet. Of these, 92 are dedicated to
8 domestic Jones Act routes and cannot be diverted
9 without cutting off goods to energy to regions such
10 as Hawaii, Alaska, Florida, and New England.

11 This leaves just 93 U.S.-flagged vessels
12 available for international trade -- 41 container
13 ships, 19 tankers, 18 vehicle carriers, and 15
14 vessels of other types, with a combined capacity of
15 approximately 4.3 billion deadweight tons.

16 According to our analysis, in 2023, U.S.
17 maritime exports required on an ongoing basis almost
18 200 deadweight tons of vessel capacity. The current
19 U.S.-flag international fleet can only provide 2.1
20 percent of that capacity.

21 So the consequences of the first proposed
22 schedule are as follows: By year two, the 3 percent
23 requirements would mean the U.S. could export only
24 72 percent of its current volume of exports. By year
25 three, the 5 percent requirements would further

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1 restrict the U.S. to 43 percent of current exports.
2 By year seven, the 15 percent requirements would
3 restrict the U.S. to 14 percent of its current export
4 volume. That is 28 million deadweight tons down from
5 200 million. Again, that's just 14 percent of our
6 current export volume across all industries.

7 The alternative requirement is to export a
8 minimum of 20 percent of all U.S. exports on
9 U.S.-built, U.S.-flagged ships; this would be even
10 more challenging, immediately limiting the U.S. to
11 approximately 10 percent of its current export
12 volume. We believe this to be an understatement as
13 well, because the requirement for the ships to not
14 only be U.S.-flagged but also U.S.-built, means that
15 this will pull all the capacity away from all the --
16 as required by the Jones Act.

17 So the bottleneck is in U.S. shipbuilding
18 capacity. The U.S. has only four shipyards capable
19 of constructing large oceangoing commercial vessels.
20 These yards collectively produce about four or five
21 large commercial ships per year, and this is the same
22 output the U.S. has maintained since the 1980s.

23 There's simply no feasible path to create
24 enough U.S. ship capacity even within seven years,
25 without drastically reducing the volume of American

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1 exports to one-sixth or even one-tenth of its current
2 level.

3 Furthermore, this proposal has a tenuous
4 connection to addressing Chinese maritime dominance.
5 Any foreign-built vessel, including Chinese ones, can
6 reflag to become U.S.-flagged for international trade
7 as long as it meets U.S. Coast Guard safety
8 requirements, meets U.S. ownership requirements, and
9 employs U.S. crews. This means Chinese shipyards, or
10 shipyards from any other nation, could themselves
11 also help meet the demand induced by one of these
12 proposed requirements by rapidly scaling up
13 production of vessels that are suitable for
14 reflagging at a pace faster than vessels can be built
15 domestically.

16 In conclusion, Balsa Research strongly
17 recommends reconsidering the export restrictions.
18 Implementing these requirements as proposed would
19 either impose a steadily tightening cap on American
20 exports, falling to just 14 percent of current levels
21 by year seven, or, alternatively, immediately
22 restrict American exports to 10 percent or less of
23 its current volumes. Either option would create
24 significant challenges to American exporters and the
25 broader U.S. economy, while the impact on the Chinese

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1 industry would be ambiguous at best.

2 Thank you for your consideration. I
3 welcome any questions you may have.

4 MR. BUTLER: Thank you.

5 Ms. Torpey.

6 MS. TORPEY: Thank you for the opportunity
7 to participate in this hearing. This is certainly
8 the most important issue facing the maritime industry
9 in decades.

10 The decisions made by this committee will
11 impact the U.S. economy and global trade. We
12 appreciate you taking the time to properly evaluate
13 prior to implementing any fines or fees that have
14 potentially devastating results.

15 ASBA is a trade association established in
16 1934, representing ship brokers and agents in the
17 United States. Our membership consists of 153
18 company members and approximately 7,500 U.S. jobs.
19 Primarily focused in the dry and liquid bulk
20 commodities, they are behind-the-scenes players that
21 keep commerce moving through U.S. ports and around
22 the world.

23 Ship brokers facilitate transactions
24 between cargo owners and shipowners. Ship agents
25 handle all the aspects of a port of call, interacting

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1 closely with U.S. government agencies, such as the
2 Coast Guard, CBP, and EPA.

3 ASBA fully supports the growth and
4 revitalization of the U.S. Merchant Marine and U.S.
5 shipbuilding industry; however, we have serious
6 concerns regarding the proposed action as drafted.
7 It would be counterproductive to its overall
8 objective. Details are in my comments that have
9 previously been submitted on the public docket, but a
10 few comments I would like to reiterate: The costs of
11 U.S. imports and exports will increase and become
12 uncompetitive due to significant increases in
13 shipping costs. Logistical choke points will create
14 major supply chain disruptions. It will take decades
15 to rebuild the U.S. shipbuilding industry to a level
16 to compete with Chinese capacity.

17 Short-term pain for long-term gain does
18 not apply here since there is not a commercially
19 viable alternative to replace the utilization of
20 Chinese vessels. With no alternative, the proposed
21 fines will negatively reverberate through every
22 sector of the U.S. economy and in every household.
23 Inflation will result and loss of jobs as well.

24 Currently, there is no alternative to
25 securely replace the Chinese tonnage that will vacate

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1 the U.S. market. Currently, the cost to build a
2 vessel in the U.S. is four to five times higher than
3 most foreign shipyards. Currently, the cost to
4 operate or crew a U.S. vessel is two to three times
5 higher than most foreign-flagged vessels.

6 Increased freight costs could make
7 critical U.S. imports and exports, like grain, coal,
8 salt, oil, uncompetitive, which would cripple the
9 U.S. agricultural and energy industries.

10 Shipowners would be subject to fines --
11 shipowners that would be subject to fines will avoid
12 U.S. ports and secure cargoes elsewhere.

13 It is incomprehensible and fundamentally
14 unfair for the U.S. to penalize U.S. companies
15 for valid business decisions to purchase Chinese
16 vessels when there were no other viable options
17 available at the time of their decision.

18 As the USTR further evaluates the correct
19 action relative to China's trade violations, please
20 consider a complete understanding to some of the
21 following questions: What is a port call? How do
22 you define shipowner, ship operator, and ship
23 charter? Who is responsible for paying fines? Who
24 will be responsible for collecting the port fines and
25 when? Will the fines be applied on a flat-fee basis,

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1 regardless of type and size of vessel or commodity?
2 Will certain commodities be exempt, since there are
3 almost no U.S.-built tanker or dry bulk vessels? Are
4 vessels subject to multiple fines? Will shipowners
5 -- will shipowners with Chinese-built vessels in
6 their fleet that do not call on U.S. ports be subject
7 to fines when their other vessels call on U.S. ports?
8 What measures will be put in place to make U.S.
9 shipbuilding and U.S.-flagged vessels competitive?
10 Steel manufacturing may have capacity, but where are
11 the ships going to be built? How is a fleet defined?
12 What is the percent of Chinese-built -- or I'm sorry.
13 Excuse me. How is the percent of Chinese-built ships
14 in a fleet verified?

15 Recently, a very large number of ready
16 reserve fleet vessels were taken out of service due
17 to lack of skilled mariners. What is the plan for
18 workforce development of skilled labor for seafarers
19 for U.S.-flagged vessels?

20 There are many critical details missing
21 from the proposed action and underscore the full
22 impact to the U.S. economy. With the testimony and
23 comments provided, the USTR now has more clarity as
24 to how to design the solution to Chinese dominance
25 that is less disruptive to the U.S. economy.

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1 We respectfully request the USTR note the
2 nonpartisan nature of ASBA's testimony. These issues
3 cross two different --

4 MR. BURCH: Your time has ended.

5 MS. TORPEY: Thank you.

6 MR. BUTLER: Thank you.

7 We will now turn to questions. If
8 everyone can please reintroduce yourselves as you
9 do -- as you ask your questions.

10 MS. HASANDRAS: Rachel Hasandras, Office
11 of the U.S. Trade Representative. This question is
12 for Mr. Morante.

13 You highlighted the importance of a
14 structured transitions of maritime global policies.
15 Please expand, in your view, on the length of time
16 needed for a structured transition period to
17 effectively adapt the proposed actions.

18 MR. MORANTE: Yes. Well, basically,
19 today, all the transactions going back and forth to
20 the U.S. are slowed down because you won't be able to
21 offer a freight, let's say, beyond May, if this takes
22 all April to put together.

23 So, first, a transition period to be
24 implemented should be probably one or two years, once
25 the shipyards are ready to produce and all the

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1 policies are put in place. I don't think it's
2 realistic to think that this could be implemented
3 within six months. I'm just saying three years
4 because that's a figure that comes to mind. But
5 generally, that's something that the shipbuilding
6 industry has to apply.

7 MR. COOK: Ian Cook, Department of
8 Commerce.

9 Mr. Lynch, how can the proposed actions be
10 altered to maximize the benefit of U.S. shipbuilding
11 capacity?

12 MR. LYNCH: So the main -- of course, the
13 shipbuilders within our portfolio are separate, but
14 of course we are part of the same group, so I'll
15 speak broadly. If you need anything further or more
16 specific, I would encourage a meeting and we would be
17 happy to bring them together.

18 Broadly speaking, as the shipping owner
19 entities, we see scale economy in ship owning. It
20 was mentioned earlier in this session whereby the
21 demand drives the economies of scale and scope at the
22 shipyard. The shipyard doesn't just build on spec,
23 they don't build and wait for a buyer. That's one of
24 our material positions within the value chain as a
25 shipowner is that we can create and advance the scale

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1 function, increase the scale economies on the unit
2 production costs. For example, at Philadelphia they
3 can produce a certain amount of ships a year, but if
4 we can plan for 10 or 20 at a time for entry into
5 available TSP program run by maritime, we can welcome
6 that opportunity to create cost efficiency and
7 synergies around the value chain and afford the
8 customer to recommend, in that case, for a trans com
9 of the economies of scale and scope for and demand.

10 MR. BAUNACH: Leo Baunach, U.S. Department
11 of Labor.

12 Mr. Lynch, could you speak a bit more
13 about the workforce development needs for U.S.
14 mariners, as well as U.S. shipbuilders, and some of
15 the specific modalities that can be pursued, such as
16 apprenticeships?

17 MR. LYNCH: Yes. An absolute critical
18 pathway item and something that we're addressing with
19 partner organizations, one of which is in attendance
20 here today, the Marine Engineers Organization. We're
21 very proud to be embarking on an effort to make sure
22 that mariners, both on deck as well as the
23 engine room, are able, competent, and capable to
24 transport U.S. cargo safely around the world.

25 We have a program that we are in the

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1 initial stages of developing, workforce training on
2 partner vessels, LNG carriers that are currently
3 operating in the world, as well as bringing some, as
4 I mentioned, shipyard personnel to our shipyard in
5 Okpo, Korea.

6 So it's very much an emerging need and an
7 emerging requirement both for safe building and
8 operations and something we're spending a lot of time
9 on. We'd love the opportunity to present to your
10 office all the work streams that are coming together
11 to advance the scenario.

12 MS. BARNHART: Megan Barnhart, Department
13 of Energy. My question is for Ms. Chen.

14 Your research estimated the potential
15 costs of proposed --

16 MR. BURCH: Ma'am, please pull your mic
17 closer.

18 MS. BARNHART: Do you have an estimate on
19 the potential cost to the U.S. economy for economic
20 security or supply chain resiliency if the United
21 States continues to rely on Chinese-built ships and
22 Chinese shipping companies?

23 MS. CHEN: I do not.

24 MR. VAN PATTEN: Tyler Van Patten,
25 Department of Transportation.

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1 Ms. Torpey, you raised concerns about the
2 dollar value and the fees in the proposed actions.
3 In your view, what would be the appropriate level of
4 fees if the United States Trade Representative was to
5 impose fees?

6 MS. TORPEY: I think that everyone who has
7 testified here wants zero fees. I'm not an
8 economist, I don't have that right answer. What I do
9 know is that the fees -- the way the document is
10 written it does say up to a million dollars. I don't
11 have the math to properly say. I do know that up to
12 a million dollars is devastating to shipowners, to
13 the economy, it will stifle the supply chain. But
14 what the right number is, I'm afraid I don't know
15 that. I don't think anybody here does.

16 MR. MORANTE: Sorry, can I add a little
17 bit to that. In our case, for example, if we load
18 30,000 tons of cranes into the U.S. or export to the
19 U.S., that will add basically \$30 of freight per ton
20 and the freight for that export is probably 35. So
21 it will double the freight on the shipment for our
22 side.

23 So I think exemptions have been made to
24 exports. That's how Brazil does it. Brazil charges
25 8 percent on the freight value. That's a case study

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1 that I think you should potentially look. I don't
2 think it's the best example, because it didn't work
3 out the way they wanted, but in the end it was
4 inflation that was caused by the logistics chain.
5 But it's 8 percent on the freight not on the cargo
6 value, so that's a reduced amount, but still a big
7 value for the U.S. It would be a big value.

8 MS. TORPEY: If I can comment further to
9 your point, there's been a lot of conversation about
10 the commodity driven or vessel driven, but you can't
11 broad brush the whole thing because it depends on the
12 commodity, on what type of vessel its carrying on,
13 and vice-versa, it depends on what the vessel is
14 carrying. So it's important to really understand the
15 complexity of how product moves and that's probably
16 not going to be explained in three minutes. But it's
17 more complicated than a simple answer.

18 MR. SULLIVAN: Ryan Sullivan from the
19 Department of State.

20 Ms. Torpey, I'm trying to understand a
21 little bit better the interests of the ship workers
22 and your association and my understanding is that
23 they are trying to make it possible for cargo owners
24 who ship their goods out and you will find the supply
25 if there's a demand. Is that incorrect.

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1 MS. TORPEY: Well, I think it is the role
2 of the ship broker to marry the cargo and a vessel,
3 so, yes, they will find a solution. But what I think
4 is going to happen is a lot of that cargo -- and
5 they operate on a global basis, but a lot of the
6 capacity -- China bulk capacity will leave the U.S.
7 market. So they will be -- they will find solutions
8 on other vessels. But what's going to happen with
9 those vessels, calling on those when that capacity
10 goes out, that freight rate is going to go up. But,
11 you know, by something less than a million dollars
12 and increasing freight routes overall and,
13 ultimately, that doesn't solve the problem here,
14 because that takes any fine or penalty right out of
15 the transaction because that becomes just a mutual
16 freight fee.

17 MR. LYNCH: May I just speak to the role
18 of the ship broker, I've been one for about 15 years
19 and my father was a ship broker as well. So I take
20 Ms. Torpey's point, but I would also juxtapose a
21 different position. Because I was seeking -- as a
22 maritime economist and maritime expert, I was seeking
23 a market to apply my skills to. I'm very proud to be
24 part of this panel coming from four generations of
25 American maritime. There's finally a chance to bring

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1 maritime service provider jobs back to America. So I
2 would speak to that aspect whilst it might limit the
3 opportunity set for the current shipowners, it allows
4 a class of United States Merchant Marine Academy,
5 Maritime Galveston, Calvary Maritime, it allows them
6 a job after coming back on shore at a very capable,
7 robust, and significant place in the world. So I
8 would really recommend to the panel that ship brokers
9 are an important piece of the puzzle, but we do see
10 them to stand to benefit as well.

11 MR. SULLIVAN: That's helpful, Mr. Lynch.

12 Ms. Chen, in your breakdown of the years
13 to come under such cargo reservation systems,
14 you hold a belief that supply is going to remain
15 stagnant and our capacity for U.S. shipbuilding will
16 remain stagnant; can you speak to that? I'm curious
17 as to that.

18 MS. CHEN: Sure. Yeah. So looking at the
19 actual output of U.S. shipyards, the domestic
20 shipbuilding market over the last 40 years, have
21 basically shifted to building smaller vessels focused
22 on commercial trades and they're unsuitable for ocean
23 travel. And like I previously mentioned, there's
24 really only four or five shipbuilders in the U.S.
25 facilities here that are capable of even doing this

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1 sort of like producing vessels that are suitable for
2 oceangoing trade.

3 According to recent U.S. Government
4 Accountability Office report from February of this
5 year on Navy procurements, American shipbuilders
6 faced several challenges for their Navy and
7 commercial shipbuilding needs. They report both
8 extreme challenges in maintaining a skilled workforce
9 and facility modernization and even with unlimited
10 capital, these physical and human resource restraints
11 create a ceiling on how quickly production can be
12 scaled. And this report emphasized that these
13 challenges are ongoing and are expected to continue
14 despite a collective investment of \$5.8 billion
15 within the last seven years and anticipate an
16 additional investment of \$12.6 billion by 2028.

17 The limited number of shipyards and the
18 actual space required to build ships and the three to
19 four year completion time per vessel, along with the
20 fact that these shipyards already have order books,
21 and we weren't able to ascertain like to what year
22 they were already filled to. So even if you give us
23 seven years, that might only mean like one or two --
24 maybe like four years of alternative time to actually
25 create ships that can then go on to help with U.S.

1 exports.

2 So they create a physical problem that
3 can't really be physically resolved. You can also
4 think about how the established shipyards are on the
5 waterfront, with regards to their composition
6 settlements, which makes physical expansion very
7 difficult. The largest American commercial
8 shipbuilders are located in Philadelphia and San
9 Diego, they're both boxed in by highways, railroads,
10 other industrial facilities, of course, the actual
11 coasts. So then we're also looking at adding
12 redevelopments to that again, which pushes the
13 timelines.

14 So theoretically, Balsa Research can
15 support some measure of this program, but we're not
16 looking at 7 years, we're probably looking at more
17 like 10 or 20 years to actually build up the
18 established capacity needed.

19 MR. SULLIVAN: Thank you.

20 And then, in your research over the last
21 12 years, has the U.S. ever implemented a cargo
22 requirement other than the cargo preference?

23 MS. CHEN: The cargo preference I'm not
24 familiar with any other requirements to U.S. exports.
25 But, again, there are physical bottlenecks that will

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1 just take several years to resolve and we believe
2 that seven years is just not enough time to resolve
3 them in any -- it's just not enough time.

4 MR. SULLIVAN: To summarize, it would be a
5 long-term solution but it doesn't mean it's not
6 possible.

7 MS. CHEN: We absolutely believe anything
8 is possible given viable economic conditions,
9 confidence of long-term demand, we just don't think
10 that seven years is --

11 MR. LYNCH: May I speak to supply from the
12 nonbuilding side. Of course, there's the additional
13 pathway with respect to alternative compliance
14 program which is offered by United States Coast
15 Guard, that's acceptance of the United States flag
16 registry. Of course, that's a vessel of the United
17 States owned by a citizen company flying under the
18 U.S. flag crewed by mariners under certain
19 conditions. Of course, that is not a Jones Act
20 compliant -- vessel, but it is a vessel that can
21 transport U.S. goods under the flag of the United
22 States. We would advance that supply in this
23 capacity can be driven very rapidly through programs
24 such as envision of the SHIPS Act, Strategic
25 Commercial Fleet, Tanker Security Fleet, Maritime

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1 Security Program, other maritime programs. We see
2 them as very forthright and strong. We'd love to see
3 them advanced to expedite the entry of vessels into
4 U.S. flag state and thereby including labor
5 availability.

6 MS. CHEN: And Balsa Research would also
7 support the expansion of those programs, but the
8 requirements as currently written have a carveout
9 specifically for U.S.-built vessels as well. So
10 within that 15 percent, for example, in year seven 5
11 percent must be U.S. built.

12 MR. BAUNACH: Leo Baunach, U.S. Department
13 of Labor.

14 Mr. Morante and Mr. Lynch, you're both
15 very well aware and versed in the complexities of
16 ship operation, the complexity and capacity of ship
17 ownership, do you have suggestions on refining the
18 proposed remedy given the day-to-day practicalities
19 of how the industry functions?

20 MR. MORANTE: For example, what are we
21 doing today, let's go and practice. Most of the
22 cargoes we're shipping -- sending to the U.S., we're
23 contracting Japanese-built ships or Korean-built
24 ships. That's what we're doing. That limits us of
25 course and that also creates a supply and demand

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1 problem. So if you're going to the U.S. and you have
2 a Japanese-built ship chartered, they will ask for
3 more money. That immediately reflects an increased
4 freight cost to our current contract, shippers,
5 exporters, or importers.

6 I think if you want to impose a fee on
7 Chinese-built ships, it has to be for future, it
8 cannot be from the past. But it has to -- it has to
9 reflect what you're transporting. As Kate said, it's
10 completely different, 2,000 ton ship and a 50,000 ton
11 ship. So the economy of scales is completely
12 different. A small client won't be able to pay that
13 money. A larger client eventually, yes. And in
14 comparison to containers, you can -- you have
15 multiple clients. You have 16,000 containers you can
16 actually segregate that in a 200/300 dollar fee per
17 container per port. I think that should be the way
18 forward. That's a fee on Chinese-built for the
19 future. I mean it cannot be from past operations
20 with ships, that's what I would suggest.

21 MR. LYNCH: I've made some recommendations
22 in the materials that I've submitted with my
23 testimony to members. I would encourage review of
24 those materials and I would be happy to talk further.

25 But broadly, it's important to understand

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1 the nuance that a bill of lading testifying to the
2 shipment of cargo is a separate contract from a
3 charter party and they're not expressly linked only
4 through the contract value chain. So you'll see
5 there's a devised owner, a registered owner, that's
6 the carrier of the bill of lading conditions, but
7 often as was mentioned previous, the -- owner of the
8 shipper or charterer or vessel is who is directing
9 the vessel as to where they go. Oftentimes these are
10 long-term charter contracts. In LNG, we do 10 to 20
11 years sometimes. So a vessel that was ordered in,
12 let's say, Korea 10 years ago is subject to the whims
13 of an energy merchant today or tomorrow.

14 So our recommendation to the members would
15 be to attach such a service fee on those who have
16 discretion on the voyage planning, that would be the
17 ship's owner directly, fining the ownership structure
18 and/or the shipper. That has the added benefit of
19 mitigating subversive potentiality. Often these
20 vessels are registered in locations that have
21 ownership structures which are bankruptcy remote,
22 that's purposeful to maintain continuity of the
23 vessel value chains. That vessel remoteness requires
24 what's called in rem claims on maritime attachment.
25 Meaning you can attach a claim of nonpayment or

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1 duties or taxes upon the vessel, but not upon the
2 owner of the vessel. So that vessel ownership can
3 change, they can sell a vessel, they can change the
4 registry. But if you're attaching to a vessel a
5 claim, it may not be attachment to the owner, it's
6 usually attached with bill of lading, the shipper
7 attached to the cargo, and those who have control.

8 MS. HASANDRAS: Mr. Lynch, we received
9 testimony on Monday suggesting that fewer young
10 Americans are now entering the shipbuilding industry.
11 Do you agree with that sentiment and what incentive
12 do you suggest revitalize the industry?

13 MR. LYNCH: I'm sorry, my hearing is not
14 so great. Would you mind repeating the first half of
15 what you said.

16 MS. HASANDRAS: We received testimony
17 Monday that fewer young Americans are now entering
18 the shipbuilding industry. Do you agree with that
19 sentiment, and what adjustments would you provide to
20 revitalize that industry?

21 MR. LYNCH: Yeah. I think it's a great
22 question and certainly the sentiment is factual in
23 nature. We at Hanwha saw an opportunity to embark
24 upon a U.S. operation broadly, so their loss, our
25 gain broadly. We look very much forward to

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1 supporting the United States with the capabilities
2 that we in Korea have, both from a ship ownership and
3 a shipbuilding side. Of course we build the best LNG
4 carriers in the world. I'll state that. But it is
5 really the technological frontier. So we look
6 forward to the ease of transference of capabilities
7 to the United States and we want to make sure that
8 our shipyard personnel in Philadelphia can come sit
9 aboard my vessels at Hanwha Ocean in Opko, go to the
10 gas trials, support, learn, be part of the research
11 and development teams.

12 So inbound investment is our narrative,
13 that's what we want, into the U.S.A. from our Korean
14 principles. So any facilitation and ways to make
15 that easier, quicker, faster, that would be
16 supportive of our overall goals.

17 MR. SULLIVAN: Mr. Lynch, just following
18 up on some of the commentaries that relates to the
19 feasibility of the U.S. field requirement in terms of
20 exports. From your position as it relates to Hanwha
21 Philly, how does that, I guess, relate? If we're
22 thinking about building the capacity or building the
23 demand, where does the -- are the current
24 expectations in line with what the industry can do?
25 How would you advise revising them so that they're

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1 executable but strike the right balance of ensuring
2 there is demand?

3 MR. LYNCH: It's a great question. And as
4 I said, we advise our partner affiliate company
5 Hanwha Philadelphia, I don't work at the shipyard
6 itself. I would encourage a more wholesome
7 discussion. We'll have that personnel come to your
8 office, we'll discuss with you all the strengths, the
9 weaknesses, opportunities, and risks.

10 From my own viewpoint, I believe expanding
11 the scope of a Title XI ship financing support to
12 potentially vessels that the order was taken by
13 Philadelphia, but might have been outsourced to our
14 Korean yard in support of expediency. Being able to
15 apply that same CapEx production function to the
16 joint possible construction planning. That will
17 expedite, again, the transference of skills and labor
18 capabilities and also allow us to create efficiencies
19 along a much broader value chain.

20 And then, of course, as I said earlier to
21 the representative from the department of congress --
22 or commerce -- sorry -- the value in demand if it
23 could be defined more discreetly as to when and how
24 we can enter vessels into the various DOT programs,
25 that would assist in intermediating the otherwise

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1 vague and long demand cycle.

2 MR. BUTLER: Okay. Thank you. Thank you
3 to this panel.

4 We will take a few minutes. Let's meet
5 back in about four minutes and we will start the
6 final panel today.

7 (Recess.)

8 MR. BURCH: Will the room, please, come to
9 order?

10 MR. BUTLER: Good afternoon. This is
11 Panel Fourteen, our final panel.

12 Let's start with Mr. Bernstein, please.

13 MR. BERNSTEIN: Hello. My name is Jason
14 Bernstein. I'm testifying on behalf of the American
15 Chemistry Council, representing more than 190 of
16 America's leading chemical and plastic companies. We
17 think appropriate we be heard as one of last
18 panelists in this hearing, as the chemical industry
19 is often referred to as the mother of all industries,
20 touching almost all manufacturing supply chains. Our
21 member companies rely on ocean transportation for
22 both importing materials, of which support the
23 domestic process in the United States, adding value
24 and supporting other manufacturing supply chains
25 abroad through our exports.

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1 While we support the goal of a strong U.S.
2 shipbuilding industry, the actions as proposed, will
3 result in disproportional and untenable costs to the
4 U.S. chemical industry. It will make U.S. chemical
5 products less competitive both domestically and in
6 the global market, while doing very little to address
7 the objective of addressing China's shipbuilding
8 dominance. In fact, we think that China and other
9 countries would benefit from such actions -- excuse
10 me -- to the detriment of the U.S. chemical industry,
11 giving our global competitors an advantage.

12 Chemical and plastic shipbuilding is a
13 particularly specialized industry. Our chemicals and
14 plastic shippers utilize a variety of vessel types
15 for maritime transportation. Specialized chemical
16 tanker ships are much smaller than the larger volume
17 commodity cargoes on crude tankers and LNG carriers,
18 and do not have economies of scale of large container
19 ships.

20 Port fees and other proposed actions would
21 translate to instant, disproportionate and
22 unsustainable costs for the chemical industry, likely
23 resulting in a sharp decline both in the exports and
24 production.

25 For the two benchmark chemicals, MEG and

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1 Ethanol, the proposed fee of \$1.5 million per port
2 call will increase freight costs between 170 and 228
3 percent, and underlying chemical prices we expect to
4 increase by 33 to 37 percent.

5 On smaller chemical tankers, the same
6 costs would translate to a staggering 1,705 percent
7 increase in freight costs and over a 77 percent
8 increase in costs for endusers.

9 Dry bulk materials would also face massive
10 costs increases, particularly for those using smaller
11 vessels. One ACC member reported that the proposed
12 port fees would result in a 500 percent increase in
13 the shipping costs, equivalent to a 40 percent
14 increase in landing costs. Even if more U.S.-flagged
15 vessels are built, they are unlikely to be vessels
16 that can carry chemical shipments. There are only
17 three countries currently that are capable and active
18 in building chemical tankers and there's no capacity
19 in the U.S.-flagged fleet to handle liquid chemical
20 exports. In fact, the U.S. shipbuilding industry has
21 never built a liquid chemical tanker, as the expected
22 costs to build chemical tankers in the U.S. are four
23 to five times higher than other countries.

24 Even assuming the revitalization of U.S.
25 commercial shipbuilding, we are unlikely to produce

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1 any of these vessels in the next decade, as they're
2 the most complex and challenging to stay alive.

3 China and other countries are more likely
4 to benefit from these proposed port fees. China's
5 capacity to produce chemicals far outstrips its
6 domestic needs and China's chemicals to the United
7 States and other countries have been growing,
8 potentially shifting the U.S. trade balance in
9 chemical products. Under such tight margins, these
10 port fees and other export requirements will erase
11 the U.S. chemical industry's competitive advantage,
12 with Chinese exports likely to fill the void from any
13 lost U.S. export volumes.

14 While European chemical production has
15 been declining for many years, U.S. chemical
16 production has achieved -- from many European
17 industries. The proposed fees could reverse this
18 trend, giving our global competitors an advantage.

19 There are alternative solutions that can
20 address the harms identified with fewer disruptive
21 impacts on the U.S. chemical industry; a lot of these
22 have been discussed today, so I won't go over them.

23 However, if the USTR does go forward with
24 the fee-based approach, they should exempt delaying
25 implementation on chemical tankers until domestic or

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1 friend-shored production of stainless-steel chemical
2 tankers is sufficient to meet demand. These vessels
3 comprise less than 1 percent of the total commercial
4 fleet and imposing fees on these vessels would drive
5 chemical prices up as much as 30 percent. The cost
6 of damaging this critical manufacturing of U.S.
7 chemical production and exports, which, again, one of
8 the few manufacturing industries that actually trades
9 with a surplus with many countries, far exceeds any
10 potential benefits that might be achieved through any
11 fees imposed on this tiny fraction of the commercial
12 maritime fleet.

13 Appreciate the time given; happy to answer
14 any questions.

15 MR. BUTLER: Thank you.

16 Mr. Nagle.

17 MR. NAGLE: Good afternoon. My name is
18 Michael Nagle, and I am president and CEO of INEOS
19 USA LLC. Thank you to the Office of the United
20 States Trade Representative for the opportunity to be
21 able to speak on behalf of INEOS concerning this
22 important topic.

23 INEOS USA LLC is an pivotal member of the
24 INEOS Group, a global petrochemical and energy
25 conglomerate founded in the U.K. Over the past 20

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1 years, INEOS has invested \$60 billion in the U.S.,
2 and today, directly and indirectly supports over
3 40,000 American jobs. INEOS owns and operates more
4 than 2,300 producing oil and gas wells and 50
5 manufacturing sites across 18 different states,
6 generating \$15 billion per year of revenue in the
7 U.S. alone.

8 The INEOS group and its founder and
9 principal owner, Sir Jim Ratcliffe, have long admired
10 the entrepreneurialism and capitalism of the U.S.
11 energy sector, a sector broadly unencumbered by the
12 onerous taxes and paralyzing legislation prevalent in
13 the European energy sector. INEOS believes in U.S.
14 energy so much that it pioneered the export of U.S.
15 ethane gas, making over \$35 billion in commitments to
16 the U.S. economy.

17 Ethane is the key feedstock for the
18 petrochemical industry and INEOS was the first to
19 export ethane gas from the U.S. Gulf Coast and the
20 northeastern U.S.; the latter originating from the
21 prolific Marcellus Basin. INEOS did what many in the
22 industry thought was impossible. By partnering with
23 major midstream companies, INEOS found an export
24 opportunity for ethane gas, which is generated as a
25 byproduct from U.S. oil and gas production. INEOS

1 helped develop a robust export market, allowing
2 domestic oil and gas production to continue to grow.
3 In the northeastern U.S. in particular, INEOS and its
4 midstream partners zealous pursuit of export
5 viability contributed significantly to the Marcellus
6 Basin s rapid emergence as one of the most important
7 natural gas producing regions.

8 Highly specialized shipping capability
9 was, and still is to this day, a key ingredient to
10 handling ethane exports. INEOS undertook these
11 efforts at a time, in the mid-2010s, when the U.S.
12 shipbuilding industry simply was inadequately
13 positioned to supply the specialized vessels required
14 to transport U.S. ethane gas in the amounts and at
15 the distances necessary to support the growing export
16 market.

17 Today, others have followed in INEOS's
18 path, and the export in U.S. ethane gas is on track
19 to grow beyond INEOS, to over 20 million tons per
20 year, attracting investments of over \$150 billion.
21 Moreover, INEOS and many of its contemporaries,
22 likewise engaged in exporting U.S.-produced
23 feedstocks and bulk chemicals, have made long-term
24 commitments to the specialized vessels well into the
25 2030s and 2040s.

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1 Again, INEOS believes in U.S. energy.
2 INEOS has invested heavily in U.S. energy, and is the
3 pioneering kind of organization that has helped, and
4 will continue to help, U.S. oil and gas production
5 and infrastructure to grow. A robust U.S. oil and
6 gas industry is critical as a reliable and
7 competitive source of feedstock for the downstream
8 industries, which contribute over three million
9 American jobs and more than \$800 billion in annual
10 GDP. The interdependence of the oil and gas and
11 petrochemical industries also reinforces the Trump
12 Administration's emphasis on domestic production as a
13 means by which to secure the U.S. s manufacturing
14 future.

15 While INEOS understands and appreciates
16 the U.S. government's desire to stimulate growth in
17 the domestic shipbuilding industry, INEOS believes
18 that the proposed action and the related fees would
19 inadvertently penalize U.S. energy and stakeholders,
20 like INEOS, who have already made costly, long-term
21 commitments in good faith to the domestic energy
22 sector. Due to the highly specialized nature of
23 ethane ships and the limited availability of viable
24 alternatives, the proposed action and the related
25 fees, in many instances, will more than double export

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1 shipping costs, and risks rendering the export of
2 U.S. ethane gas uneconomical. The proposed action
3 ultimately threatens an activity and sector that is
4 key to the Trump Administration s bold energy agenda.

5 As the United States Trade Representative
6 reviews and refines the proposed action pursuant to
7 its Section 301 investigation, INEOS respectfully
8 requests removal of the service fee on Chinese-built
9 vessels engaged in U.S. energy exports, including
10 shippers of ethane gas and bulk chemicals.

11 Alternatively, INEOS proposes applying the service
12 fee only to vessels ordered after such fees were
13 announced and not to vessels procured historically in
14 good faith and in furtherance of honoring contractual
15 commitments relative to U.S. energy and petrochemical
16 exports. Either proposal will allow current
17 exporters of U.S. energy and bulk chemicals to
18 continue to honor their long-term commitments and
19 maintain the growth and competitiveness of the U.S.
20 oil and gas and petrochemical industries.

21 Thank you.

22 MR. BUTLER: Thank you.

23 Ms. Shime, please.

24 MS. SHIME: Thank you.

25 The mining sector depends heavily on

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1 international shipping as virtually all mining
2 exports revise deepwater maritime ships. For
3 example, the export value of mineral raw materials in
4 2024 exceeded \$10.6 billion, and the shipment value
5 of domestically-processed mineral materials was
6 approximately \$900 billion. U.S. coal, recognized
7 globally for its superior quality, is both a
8 stabilizing force in international marketplace and
9 creates jobs domestically. Coal exports are a major
10 driver of dry bulk shipping, with seaborne coal
11 volumes reaching 1.3 billion metric tons in 2023,
12 valued at over 15 billion.

13 The NMA supports the administration's
14 unwavering efforts to address China's global
15 dominance across multiple sectors, including
16 shipping, and to reestablish U.S. as an industrial
17 powerhouse. The focus on revitalizing U.S.
18 industrial base, securing energy dominance,
19 protecting American jobs, and leveling the global
20 playing field is critical. Unfortunately, the
21 proposed actions threaten to undermine these goals,
22 harming U.S. mining and the broader economy.

23 To illustrate potential harm, the mere
24 prospect of port fees has already made U.S.-mined
25 materials uncompetitive in the global markets,

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1 pushing international trading partners to alternative
2 sources, including non-allies like Russia. With a
3 rapidly eroding customer base, U.S. mines are being
4 idled and jobs are being lost, all before the
5 proposal has even gone into effect.

6 The USTR's proposed fees for port calls
7 would not only apply to Chinese-built and operated
8 but also to any operator with even a single
9 Chinese-built ship in their fleet. This would affect
10 approximately 98 percent of ships calling on U.S.
11 ports, leaving only 2 percent to handle the entirety
12 of U.S. export trade. This would severely disrupt
13 U.S. mine and energy materials exports, undercutting
14 national goals for energy and mineral dominance.

15 Immediate and near-term impacts are
16 already being felt. Several coal companies have
17 reported losing nearly all export orders for the
18 remainder of the year due to uncertainty of the
19 proposed core fees. As a result, the reassessing
20 production levels lead to critical cutbacks and
21 potential loss and closures of mines. Operators are
22 -- if they eliminate service to avoid the fees, there
23 will not be enough vessels to meet domestic import
24 and export demands.

25 NMA members are reporting significant

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1 financial impacts. One company estimated that fees
2 would increase annual operating costs at a single
3 mine by over 15 percent, chilling future investment.
4 Another projected a \$150 million impact on 2025
5 exports. This proposed action would impact imports,
6 creating bottlenecks, increasing operational costs,
7 and raising prices for Americans.

8 NMA has several suggested modifications
9 that, if implemented together, would achieve the
10 administration's objectives while avoiding unintended
11 consequences.

12 Full industry feedback: USTR should
13 provide opportunities for industry input, including a
14 60-day response comment period and a subsequent
15 hearing. This would ensure that policies are
16 informed by all industries, including shipping, on
17 the timing -- the time line needed to ramp up
18 production to meet current U.S. export demand.

19 Secondly, a phased implementation would
20 allow operators to adjust while minimizing
21 disruptions. For example, six-month "safe harbor"
22 period could precede with incremental increases in
23 fees, starting only with Chinese-operated and built
24 ships.

25 Thirdly, exempting U.S. energy and mine

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1 material exports would align with the national goals
2 for energy and mineral dominance and economic growth,
3 as described in several executive orders, and protect
4 U.S. producers from competitive disadvantages.

5 Lastly, incentives for U.S. shipbuilding:
6 The USTR could offer waivers or offsets for operators
7 who purchase U.S.-built ships. For instance,
8 shipping lines placing firm orders for U.S. ships
9 could receive a year free of service fees. And such
10 incentives would bolster the U.S. shipping industry
11 and protect export markets.

12 While the NMA supports holding ship
13 companies accountable for unfair practices, the
14 language should target Chinese operators
15 specifically. Imposing service fees on non-Chinese
16 operators with Chinese-built ships in their fleets
17 risks harming key trading partners and undermining
18 global economic partnerships.

19 In conclusion, NMA urges the USTR to adopt
20 these modifications to avoid harming U.S. industry.
21 We remain committed to working with policymakers to
22 reduce our reliance on China, protect American
23 mining, strengthen supply chains, and support
24 national economic goals.

25 I welcome any questions that you have and

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1 I'm happy to follow-up with supplemental information.

2 Thank you.

3 MR. BUTLER: Thank you.

4 Mr. Kirby.

5 MR. KIRBY: Good afternoon. My name is
6 Michael Kirby and I am the chief financial and
7 operating officer for International Materials. IMI
8 is a U.S. importer and exporter of dry bulk
9 commodities, primarily serving the cement and
10 wallboard industries.

11 We appreciate the opportunity to comment
12 on the USTR's proposed action and to highlight the
13 potential unintended consequences of rapid
14 implementation.

15 While IMI supports the revitalization of
16 U.S. shipbuilding and recognizes the potential need
17 for increased port fees to help fund such efforts, it
18 is important to note that not all cargoes are the
19 same. Bulk carrier vessels transporting low-value
20 essential commodities, like aggregates and building
21 materials, cannot be treated the same as the
22 container ships carrying significantly higher-value
23 discretionary goods.

24 As one of the largest privately-held
25 importers of cement and gypsum into the United

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1 States, IMI is uniquely positioned to speak to the
2 potential impact of the proposed fees on the dry bulk
3 sector. To illustrate this, I will focus on two
4 essential building products, cement and gypsum, and
5 compare these impacts to the containerized shipments.

6 Based on data from global bulk vessel
7 operators, virtually all dry bulk carriers would be
8 subject to USTR fees. Among the 12 major shipowners
9 IMI reviewed, none reported having zero Chinese-built
10 vessels.

11 Given the cumulative nature of the
12 proposed fee structure, IMI estimates that the
13 average penalty per dry bulk vessel entering a U.S.
14 port could reach \$2.1 million per port call,
15 regardless of where the vessel was built or flagged.
16 These costs would raise market prices, reduce
17 competition, and result in higher construction
18 material costs for U.S. consumers.

19 The United States consumes approximately
20 110 million tons of cement annually, with 20 million
21 tons, or about 18 percent, being imported. Based on
22 U.S. Customs data, the typical imported cargo is
23 valued at \$4.5 million. A \$2.1 million penalty would
24 represent nearly 47 percent of the product's cost.
25 We expect market prices to shift towards the highest

1 marginal input cost, which could destabilize
2 residential and commercial construction markets.

3 The United States consumes 30 million tons
4 of national gypsum annually, with nearly eight
5 million tons imported. Based on U.S. Customs data, a
6 typical imported cargo is valued at \$1.5 million. A
7 \$2.1 million penalty would exceed 140 percent of
8 the product's value. With some bulk carriers calling
9 at multiple U.S. ports per voyage, the cumulative
10 fees could exceed two to three times the cargo value.
11 Like cement, pricing would likely shift towards the
12 highest marginal cost. With approximately 27 billion
13 square feet of wallboard sold annually in the United
14 States, this will have a substantial downstream
15 impact.

16 By contrast, the average container ship
17 entering the Port of Long Beach carries \$150 million
18 in cargo. A \$2.1 million penalty on such a vessel
19 equates to less than 1.5 percent of cargo value,
20 highlighting the disproportionate burden on the
21 low-margin bulk cargoes.

22 As a participant on the final panel, I've
23 had the benefit of listening to all the testimony
24 provided and believe there are three common themes
25 that are prevalent in almost 95 percent of the

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1 speakers: One, the proposal hurts American companies
2 and consumers first and hardest. Two, charging
3 vessel fees disproportionately places the penalties
4 on the wrong parties, and the penalties aren't
5 punishing the Chinese. Three, revitalizing the U.S.
6 shipbuilding industry will take time, careful
7 planning, and investment. And in the interim, we
8 must not destabilize already fragile supply chains.

9 Based on these themes, IMI recommends the
10 following: Target fees at Chinese shipbuilders,
11 owners and operators, not companies that made past
12 investments out of necessity; focus any penalties on
13 new Chinese-built vessels entering service after
14 2027, not on existing ships. If fees are imposed,
15 they should be calculated based on the vessel's
16 deadweight tonnage, not per port call, to distribute
17 costs more equitably; vessels carrying essential
18 goods, like cement and gypsum, where U.S. supplies
19 are insufficient should be exempt. Finally, the U.S.
20 should support a shipping industry investment program
21 to ensure long-term domestic vessel availability.

22 Thank you again for the opportunity to
23 present our views.

24 MR. BUTLER: Thank you.

25 Mr. Padilla.

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1 MR. PADILLA: Thank you.

2 Good afternoon. I am Dr. Padilla, vice
3 president of corporate policy at the American
4 Petroleum Institute. API is the only natural trade
5 association representing all facets of the oil and
6 natural gas industry. Our nearly 600-member
7 companies include large integrated companies, as well
8 as exploration and production, refining, marketing,
9 and pipeline, and marine businesses, and oil field
10 equipment manufacturers, service, and supply
11 companies.

12 The oil and natural gas industry does
13 recognize USTR's conclusion that China has targeted
14 the maritime, logistics, and shipbuilding sectors for
15 dominance, which compromises U.S. interests through
16 lessened competition and commercial opportunities and
17 creates potential economic security risks. The
18 current proposed actions, however, will add
19 significant costs to importing and exporting oil,
20 refined products, liquified natural gas or LNG, and
21 natural gas liquids or NGLs, such as ethane, propane,
22 and butane. As a consequence, the proposed actions
23 will harm the U.S.'s position as a net energy
24 exporter and undermine President Trump's energy
25 dominance agenda.

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1 The U.S. Energy Information Administration
2 data show that the U.S. became a net energy exporter
3 overall in 2019, for the first time since 1958. In
4 2024, the country exported 4.1 million barrels per
5 day of crude oil, nearly 13 billion cubic feet of LNG
6 per day, and 6.6 million barrels per day of refined
7 products. The net energy exports for petroleum, NGLs
8 and refined products total 10.8 billion barrels per
9 day and 4.39 billion cubic feet of natural gas per
10 day.

11 Every day, U.S. coastal ports process
12 barrels of petroleum and petroleum products and
13 exports over 10 million barrels and nearly 13 billion
14 cubic feet of LNG.

15 If the proposed fees were implemented,
16 U.S. exports are likely to become less competitive
17 globally. According to the World Shipping Council,
18 the proposed fees could result in additional costs of
19 up to 30 billion U.S. dollars annually that could be
20 borne by American consumers. As a result, according
21 to a recent March 2025 biostudy by Trade Partnership
22 Worldwide, the exports of crude oil and natural gas,
23 specifically, could decline by up to 18.5 percent and
24 by 5.19 percent, respectively, if the proposed fees
25 are implemented.

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1 Moreover, the proposed requirements for a
2 percentage of U.S. exports to be transported on U.S.
3 vessels lack clarity on implementation, enforcement,
4 segmentation, and penalties. This ambiguity could
5 result in stranded materials within the U.S.,
6 particularly in cases where suitable vessels, such as
7 LNG, or liquified petroleum gases, LPG tankers, are
8 unavailable. Consequently, this could deter
9 investment in U.S.-based producers of oil and natural
10 gas who rely on export markets.

11 Analyses and studies show and reveal the
12 limitations in achieving the proposed increased
13 percentages for U.S. exports to be transported on
14 U.S. vessels with U.S. crews. There are currently no
15 U.S.-flagged, fully refrigerated LPG ships, nor are
16 there any U.S.-built LNG carriers in service. This
17 is also true for conventional crude oil tankers.
18 18 percent of tankers were built in China and
19 approximately 1,000 tanker new-build orders are
20 Chinese.

21 Construction of LNG/LPG carriers in U.S.
22 shipyards present several challenges. There could be
23 higher costs and longer lead and construction times
24 than those for Korean shipyards, which currently
25 build most LNG carriers. The cost associated with

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1 building these carriers in the U.S. would make the
2 U.S. uncompetitive in the global marketplace,
3 potentially leading international customers to
4 seek alternative foreign providers.

5 The proposed actions are more likely to be
6 punitive to U.S. interests that are served well by
7 the U.S. exports of crude oil, refined products and
8 natural gas, rather than actually incentivizing the
9 greater U.S. investment in shipbuilding that would be
10 needed at a scale to counter Chinese product share.
11 Rather, the United States requires a strategy of
12 comprehensive public policy to support a sustained
13 long-term commitment of public and private investment
14 that considers the current domestic maritime capacity
15 and shipping industry realities.

16 We urge USTR to partner with the U.S. oil
17 and natural gas industry to help devise more
18 comprehensive solutions that reduce U.S. economic
19 security risks and achieve greater competition in
20 commercial opportunities in the global maritime,
21 logistics, and shipbuilding sectors.

22 Thank you.

23 MR. BUTLER: Thank you.

24 For questions, we will start with
25 Department of Labor.

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1 MR. BAUNACH: Thank you.

2 Leo Baunach from U.S. DOL, as stated.

3 Mr. Bernstein, in your opinion how could
4 the proposed fees structure be modified to address
5 the concerns you've raised with respect to chemical
6 exports?

7 MR. BERNSTEIN: Thank you.

8 You know, I think because a lot of Chinese
9 chemical tankers are rapidly expanding the market
10 share, we think we should consider suspending fees,
11 at least for non-Chinese operators, entirely or maybe
12 significantly lower fees on non-Chinese operators.
13 It's usually that non-Chinese operators have higher
14 U.S. staffing footprints. Also -- just because they
15 have a need for chemical tankers, a lot of
16 non-Chinese operators of Chinese-built ships have
17 contract dates entered prior to the proposed 301
18 investigation. It should probably be exempted. A
19 lot of these current shipyards have already been
20 delivered as far as 2029, and so the decision in
21 being impacted a lot prior to the current proposal.
22 So you could still do the fees on Chinese-built ships
23 and operators, but not on non-Chinese operators' with
24 Chinese-built ships existing orders.

25 MS. SANCHEZ: Becxi Sanchez, for the

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1 Department of Transportation. This question is for
2 Mr. Nagle.

3 In your view, how can the government work
4 with the U.S. oil and gas industry to revitalize U.S.
5 production of specialized ships, such as LNG and
6 crude oil tankers?

7 MR. BURCH: Can you pull your microphone a
8 little closer?

9 MS. SANCHEZ: So, Mr. Nagle, in your view,
10 how can the government work with the U.S. oil and gas
11 industry to revitalize the U.S. production of the
12 specialized ships, such as those using LNG and crude
13 oil carriers?

14 MR. NAGLE: Yeah, thank you for the
15 question.

16 So the ships that are required to
17 transport LPG, LNG, ethane, as I was talking about,
18 are highly specialized ships. The U.S. is the only
19 area in the world that today can export ethane long
20 distances. This is a unique opportunity that the
21 U.S. has developed here through INEOS's ingenuity.
22 The ships require very cold temperatures,
23 temperatures down to minus 130 degrees Fahrenheit, to
24 keep the material cold during the long transport
25 process, and so we need the specialized engineering

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1 and metallurgy to build these types of ships to allow
2 them to do these long transports. As I said in my
3 comments, today, our current capabilities in our
4 current shipyards do not have any of those
5 capabilities. As Mr. Padilla said, we have not built
6 any of these LPG-type ships to date to even handle
7 propane, which is an easier material to handle than
8 ethane, which is the material I was talking about.
9 So this requires a long-term commitment by the United
10 States to invest in the technology and the
11 engineering that is required to build these highly
12 specialized materials, and it's going to take a
13 number of years to develop that capability. I'm
14 convinced we can do it, but it requires a long-term
15 commitment by the industry to achieve those goals.

16 MS. SANCHEZ: Thank you. Thank you.

17 MR. COOK: Ian Cook, Department of
18 Commerce.

19 Ms. Shime, what targeted alternative
20 measures or modifications to the current proposal
21 would you suggest, while still addressing Chinese
22 unfair trade practices?

23 MS. SHIME: Thank you for the question.

24 We have included, in our comments,
25 recommendations and we think that all of them

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1 implemented in concert would be the most effective,
2 starting with an immediate market signal that this is
3 not happening immediately, so that the immediate
4 impacts on our company's exports will stop. As I
5 mentioned in the comments in the testimony, we have
6 companies that -- whose exports have currently
7 stopped despite the proposed fees even being
8 implemented.

9 One company, the contract was still in
10 existence for transport. They have 12 shipments a
11 year. Their carrier has said that if these fees are
12 imposed during this year contract, they will expect
13 this one company to pay that million or up to three
14 and a half million dollar fee. And these are ships
15 that are coming in empty and being filled 100 percent
16 by this one company's commodity, and that's usually
17 the case with our members, and so they have to assume
18 the entire fee.

19 We have other companies whose contracts
20 are over and cannot be -- they cannot get a new
21 contract for April.

22 So an immediate market signal that nothing
23 is happening right now would help U.S. companies
24 continue exports, and as we said in our comments,
25 delay in implementing any fees until we can see

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1 whether the U.S. sector can ramp up to meet current
2 and future export capacity, and then when that's
3 possible, starting with Chinese-owned and built ships
4 and not non-Chinese owned companies, penalizing them
5 for previous purchases when there were only
6 Chinese-built ships available. And obviously,
7 excluding mining and energy products.

8 MR. COOK: Thank you.

9 MR. SULLIVAN: Ryan Sullivan, State
10 Department. My question is for Mr. Kirby.

11 You mentioned an investment program; how
12 would this investment program be funded?

13 MR. KIRBY: Well, I think, first and
14 foremost, you have to think about what do you want
15 that arrangement to be about, and when I think about
16 it from the U.S.'s perspective, it starts with
17 national security and it starts with the military.
18 Right now, we can't even build the ships that we're
19 trying to build today on time and on budget. So
20 first and foremost, how do we fix that?

21 With the space that's left, how do you
22 divide that potential building space between
23 shipyards that will support fixing ships versus
24 shipyards that will build new ships? Once you see
25 that space and how much is left, then you can decide

1 where you want to compete. Do you want to be
2 specialized? Do you want to be high-tech, or do you
3 want to go broad and just produce volume?

4 I would argue there's not going to be
5 enough capacity just to produce volume, so at that
6 point, you bring in partners. Once you bring your
7 partners in, then you have a full plan. Then you
8 identify how much it's going to cost. Then you think
9 about how you're going to do that.

10 Right now, I feel like we're just saying
11 let's penalize the Chinese and let's just raise some
12 money, and all that money is going to fix the
13 problem. Let's build the plan first, figure out what
14 we need, and then figure out how to fund it.

15 MS. BARNHART: Megan Barnhart, Department
16 of Energy. My question is for Mr. Padilla.

17 Some have proposed that the U.S. should
18 focus more on technologically complex vessels, such
19 as LNG carrying vessels or very large crude carriers.
20 What are your views on this proposal, and how can the
21 USTR better incentivize the U.S. innovation and
22 competition in these sectors?

23 MR. PADILLA: The primary consideration
24 that we bring as a recommendation for the U.S.
25 government is to consider solutions that won't

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1 compromise the advantages that we already have in the
2 U.S. within the global marketplace. I emphasize the
3 growing extent of U.S. energy exports as a
4 prime example of an advantage that we have
5 accumulated within the global marketplace that we
6 don't want to compromise in order to achieve
7 another viable objective, which is to reinvigorate
8 U.S. shipbuilding and U.S. maritime logistics'
9 competitiveness.

10 By implementing the proposed actions,
11 anything redirecting the money that would be raised
12 toward the development of U.S.-built, U.S.-crewed,
13 U.S.-flagged vessels that could be used for U.S.
14 energy exports, that could still have a net negative
15 and a potentially significantly net negative effect
16 on U.S. energy exports and on U.S. energy production,
17 which would undermine the overall net benefits that
18 could occur to the United States.

19 So any consideration of working to
20 incentivize the reshoring of the construction of
21 specialized LPG or LNG tankers, as Michael Nagle just
22 emphasized, would require a significant amount of
23 leaps forward in our ability to build the sorts of
24 vessels that embody the technology and the
25 engineering that is needed to achieve that, and

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1 underscores what a significantly long-term endeavor
2 this is, which would require a much more strategic
3 approach considering the many more policy instruments
4 than the ones that are proposed within the actions
5 for this particular case that's right before us.

6 MR. VAN PATTEN: Tyler Van Patten,
7 Department of the Treasury.

8 Mr. Kirby, you suggested only including
9 vessels entering service after 2027. I'm just
10 curious how you arrived at the year 2027, rather
11 than, say, '26 or '28?

12 MR. KIRBY: Mainly because global
13 shipyards are, more or less, full with current
14 developments until 2027, so that would mean in 2028,
15 those would be new orders, let's just say, posted
16 today, going forward.

17 MR. SULLIVAN: Ryan Sullivan, Department
18 of State.

19 I think all of you have made a compelling
20 case for the shipbuilding's industry's reliance on
21 Chinese-built ships. President Trump has made it
22 clear that shipbuilding is almost as equal in
23 importance as infrastructure and I've noticed a
24 couple of you have noted your investments in U.S.
25 infrastructure. How will your industries, from here

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1 on out, support shipbuilding infrastructure in the
2 future?

3 MR. PADILLA: I think you've heard from
4 all five of us and from a 100 percent of those that
5 I've heard testify before you across the two days,
6 support further conclusions that the study and the
7 investigation and support for significant U.S. effort
8 to revitalize U.S. competitiveness across
9 shipbuilding and maritime logistics. So you're
10 hearing unified support for the conclusions reached
11 in the investigation and for a considerable strategic
12 effort that the U.S., as a country, can put forward.

13 So I think that our answer to your
14 question begins there, and that what we're suggesting
15 is that we need to start from the beginning and draw
16 up something completely different, that would be a
17 much more strategic and a much more likely to be
18 successful approach to incentivize the reshoring of
19 U.S. competitiveness in this industry. And also, one
20 where we can consider very carefully all the
21 tradeoffs and not undermine our own economic
22 competitiveness and our own geopolitical advantages,
23 especially in energy exports in undertaking that
24 significantly necessary but difficult endeavor.

25 So we are here as partners for you to work

1 on a better approach, but the proposed actions are
2 not the best approach and not the way that we suggest
3 that we should go forward, so work with us as
4 stakeholders, as Veronika suggested, by reopening
5 discussion with industry about how this could be done
6 better, so that we can all walk arms together, and do
7 this in a better way than what is proposed to
8 achieve.

9 MR. NAGLE: What I would also add is that
10 the U.S. energy industry is the envy of the world
11 today. We have the lowest costs energy and that
12 ultimately fuels our manufacturing position across
13 the country. And to build ships and generate the
14 steel that is needed, you need the low cost energy
15 environment to do that. If the ship -- if the steel
16 folks were here, they would tell you that power is
17 their biggest cost in terms of producing the steel
18 that is going to be needed to generate these ships.
19 And the petroleum industry is absolutely critical to
20 all the wiring and the cabling and everything else
21 that is going to be needed to build the ships as
22 well. All of that is foundational upon low cost
23 energy, and so we absolutely can't do anything with
24 the proposal that will undermine that position, which
25 is critical to the U.S.'s dominance in this field.

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1 MR. BERNSTEIN: One of the things we would
2 probably also add to that and recommend here is we
3 need to input and a direct investment. You've got
4 the chemical ships from the Japanese and Korean
5 shipbuilders. I think we mentioned those three
6 countries, China, Japan, and Korea; right? We don't
7 have the technological expertise to do it, because
8 we've never built a chemical tanker; right? So we're
9 needing to promote more direct investment for some of
10 our allies to help that and promote incentives for
11 U.S. shipbuilding to promote a direct investment from
12 these Japanese and Korean shipbuilders who have the
13 know-how to either do that.

14 Again, we would really kind of talk about
15 production capacity expansions, which are the
16 Japanese and South Korea, and then eventually, U.S.
17 shipbuilders, to really get that more up and coming.
18 And then kind of sourcing commitments from global
19 commitments to kind of see what some of these direct
20 investments, some of the OpEx. So I think what
21 you're about here is we're looking at an idea of how
22 we can enforce that policy and build it, but it's
23 going to be in similar stages, and you're going to
24 see what's out there, what's currently available from
25 China, Japan and Korea, and look at ways you can

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1 promote more of that and invest more of that startup
2 of the technology and past know-how from some of our
3 allied countries, who are experts at long-term
4 advantages of the materials. But you can promote
5 that, that will take, as I said, some time and even
6 when you talk about 2027, we're looking at build
7 shipments in 2029 for those being built, so even
8 going beyond that in terms of all the current ship
9 orders that we bill. So this is going to take, as
10 we've said, really some time to get that kind of up
11 and running, but we do have some specific ideas
12 mentioned in our ideas in how we can promote that
13 policy.

14 MR. KIRBY: I would also add that we need
15 to pivot our thinking away from punishing the Chinese
16 and towards how do we work with our allies and how do
17 we look internally to put ourselves to do better from
18 a competitive position. At some point, that will
19 rely on some punishment, but I think a change in
20 perspective beyond how do we get to where we need to
21 get to, then the punishment, will bring us a long way
22 forward a lot faster.

23 MS. SHIME: Similarly, as we stated in our
24 comments, I think we're all supportive of the
25 overarching goals to reduce our reliance on Chinese

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1 shipping. In speaking with our companies, nobody was
2 against that goal; while everyone was supporting that
3 goal, and if there were U.S.-built and flagged and
4 operated ships available for their carriers to be
5 using, they would 100 percent be requesting their
6 carriers and transporters to be utilizing those
7 opportunities. Also, the concern is, as many have
8 identified, is that that capacity isn't there. When
9 most of our companies, they use the -- as many have
10 told you, are not there for U.S. capacities. So
11 that's one our recommendations was a waiver of fees
12 or no fees for companies that -- transporters that
13 purchased U.S. ships or have U.S. ships on board, and
14 then we'll have to allow for the shipping industry to
15 identify a realistic time line for them to be able to
16 ramp up capacity. But we're all in agreement that we
17 need to reduce our reliance on the Chinese shipping
18 fleet, and we're ready to support you.

19 NMA not only represents coal and critical
20 exports all of the mining materials in the United
21 States and we expect a lot of those mining materials
22 to be utilized for this endeavor and we stand ready
23 to provide them. But not only does our domestic
24 industry, our domestic sales support our companies,
25 exports support our companies, and so, for example,

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1 some of the operators that have to potentially idle
2 their lines, they still have their domestic functions
3 but the domestic miners will be idle as well, because
4 exports support domestic operations. And so if you
5 hurt the domestic -- the exports, you'll be hurting
6 the domestic as well.

7 MS. BONNER: Thank you for your thoughtful
8 responses.

9 My name is Sarah Bonner. I work for the
10 U.S. Small Business Association.

11 The proposal has been published is in
12 response to the PRC's acts and policies, and the
13 under the first section, it specifically calls for
14 Chinese marine transport operators to be assessed a
15 fee on international marine transport and for that
16 fee to be assessed on vessel operators of China.

17 Can you share if any of you or your
18 numbers are known to be relying upon these Chinese
19 maritime transport operators? I mean, there was a
20 fee specifically on those ships with those operators;
21 if that would cause substantial harm, or if that is
22 something, you would feel, would not impact your
23 business as much.

24 MS. SHIME: I can kick that one off.

25 Most of our shipments are I don't think --

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1 the ships are identified by the carrier, and so our
2 companies aren't able to identify what ship is going
3 to come to pick up the commodity. And so where most
4 of our companies have identified that their
5 transporters, their carriers are not Chinese
6 companies, they've asked those non-Chinese companies
7 what makeup of their fleet are Chinese-built ships,
8 and they've all said 50 percent and up. So there's
9 an unfortunate ratio that one of the ships that the
10 carrier will identify to come here to deliver product
11 will be a Chinese-built ship, but then our companies
12 have no -- they cannot control which ship company it
13 utilizes.

14 Some of the ships take over two weeks to
15 reach their destination, and so the transporters
16 identifying the ship based on their global rotation.
17 And also, the ships come to pick up the commodity,
18 and it's our only members -- our company's one
19 commodity that was on that ship, and so they will
20 have to assume the entirety of the up to three and a
21 half million dollar fee. So they will 100 percent be
22 impacted; that's if their carriers don't -- or
23 continue the contracts. Some of the carriers will
24 not be renewing a contract or creating a new
25 contract. And so export commodities are stagnant and

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1 that will cause lines to shut down and workers to be
2 laid off as early as April.

3 MS. BONNER: If I could just ask -- sorry.
4 If I could just ask to clarify again: Are you or
5 your companies -- are your companies able to clarify
6 in advance if there would be a Chinese maritime
7 transport operator, either coming or booking with
8 them?

9 MR. BURCH: Is your microphone on?

10 MS. BONNER: Oh, sorry.

11 I was just asking to follow up, to make
12 sure I fully understand this. Do your companies have
13 the power to decide whether or not to use a Chinese
14 maritime transport operator, or is that not a choice
15 that they can have?

16 MS. SHIME: I can follow up with you to
17 answer that question, but for the companies that have
18 communicated with us, this has been a fact-finding
19 mission for themselves to identify, to ask their
20 transporters what makeup of -- what makeup of their
21 fleet is Chinese-built -- Chinese-built. So far,
22 none have come to me to say they are utilizing
23 Chinese-operated fleets, Chinese-owned companies, but
24 all of this fact finding has resulted in their
25 non-Chinese operators are utilizing Chinese-built

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1 ships, and as many people on the panel have
2 mentioned, the dry bulk vessels -- there are no U.S.
3 capacity in the dry bulk vessels.

4 MS. BONNER: Thank you.

5 Would anybody else like to add or expound?
6 And please feel free to file post-hearing comments to
7 this and whether you have choices in this matter.

8 MR. KIRBY: And just to be clear, by
9 operator, I would define that as a Chinese-based
10 company that owns their own ships or leases in a ship
11 from the owner; is that your definition of what an
12 operator is? Because it's a very important
13 distinction that you have to make.

14 MS. BONNER: So I'm --

15 MR. BUTLER: I think for the hypothetical
16 we're talking about here, we'll use your definition.

17 MR. KIRBY: So I assume in that case, you
18 could reasonably identify who the Chinese operator
19 was. I think, as we've all said, as you start
20 getting into the realm of, well, is the ship built in
21 China, in particular, it becomes a lot more
22 challenging. We all know, from my perspective, for
23 our business, 50 percent of the ships in the world
24 have been built in China. The forward book is
25 somewhere between 60 to 65 percent. So that's the

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1 real challenging distinction that we're all going to
2 suffer with, identifying a Chinese operator based on
3 the definition that I gave you.

4 MR. BERNSTEIN: And sorry, just to
5 comment, we would share those comments as well. I
6 think kind of in perspective, when we're talking
7 about ships, the difference between ships and
8 operators, they're really on equal footing, same as
9 the chemical tankers, just using this specific
10 example of chemicals on that. And especially, when
11 you talk about the stainless-steel chemical
12 tankers -- and I know I've talked about that a lot --
13 it's about 60 percent of current owners whose vessels
14 are built in Chinese shipyards. And in that
15 particular case, it's 7 percent, so it's a lot
16 larger.

17 However, getting to your point,
18 Ms. Bonner, if you're talking about fees on Chinese
19 owners and operators, exempting the non-Chinese
20 owners and operators, with the definition and
21 understanding how that's going to work, that is -- I
22 think that could be feasible.

23 MR. KIRBY: And in our submission, we'll
24 also put some definitions in there, and hopefully, we
25 can share those with all the participants. And if we

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1 can reach agreement on that, I think that allows us
2 to move forward collectively with the same
3 understanding as to what to the term definitions are.

4 MS. BONNER: Mr. Nagle, do you also have
5 any comments?

6 And remember, post-hearing comments must
7 be filed by April 2nd to be received.

8 MR. NAGLE: Yeah. I was going to say from
9 our perspective, again, we certainly had to make
10 long-term commitments when we undertook this endeavor
11 ten years ago. Chinese vessels were the only option
12 at that point. We do have future vessels that are on
13 order that are not Chinese; they are Korean. Some of
14 our vessels are Chinese-owned and operated but not
15 all. But the proposed fees are essentially going to
16 double the costs out of our exports. One of our
17 ships is a 15,000-ton ship, so \$1.5 million is a
18 \$100-a-ton surcharge on those shipments. We're in a
19 commodity business and we simply can't afford those
20 types of additional costs.

21 MS. BONNER: So if I can ask a follow-up.
22 So you have a long-term commitment with a Chinese
23 operator currently, and when does that expire?

24 MR. NAGLE: I have to check on the exact
25 expiration of that, but we can certainly file that in

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1 our supplemental timely.

2 MS. SANCHEZ: Ms. Sanchez, for Department
3 of Transportation.

4 Ms. Shime, you mentioned some
5 modifications to the current proposed actions, in
6 particular, those related to extensions. There are
7 expectations of growth in our capacity in terms of
8 the shipbuilding with all the programs that we put in
9 place. Considering that, how would you view those
10 exemptions to be temporary over any exemption to be
11 temporary?

12 MS. SHIME: I think the length of the
13 exemption should depend on when the U.S. shipbuilding
14 capacity can meet current export and future export
15 demand, and so this is one of the reasons why we
16 think delaying the proposed actions to further
17 include industry input and create a time line and a
18 plan, as other panelists have suggested, would help
19 identify when proposed fees or proposed exemptions
20 and waivers would come into effect or be terminated.
21 I think everyone's goal is to not harm U.S. domestic
22 industry or exports, and we would like to continue
23 exporting and would be encouraged to utilize those
24 ships if they were available. But as I said before,
25 we need immediate market signal to our customers that

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1 nothing is happening in the immediate future so that
2 we're not harmed as of next month.

3 MS. SANCHEZ: Thank you.

4 MR. SALKELD: Okay. We have one more
5 question. Sorry, I'm going to be that guy. This is
6 addressed to Mr. Bernstein, Mr. Nagle but others can
7 offer any comments as you see fit.

8 I understand from your testimony to assume
9 that the U.S. has a shared access to shipping, but
10 what if we don't? And more specifically, what steps
11 should we be taking today to assure that we have the
12 capability to ensure that the shared access continues
13 in the future?

14 MR. BERNSTEIN: That's a very good
15 question.

16 I think right now you should be looking
17 specifically on, I think we mentioned some of this
18 before, how we might get more investment from our
19 Japanese and Korean shipbuilders. This is a very
20 specialized industry. We only include things that we
21 have a kind of dominance from these three players.
22 So we think we should be looking a little bit more of
23 targeting those. I know someone said that working
24 with our allies is not en vogue in an earlier
25 submission, but I think in this case, we really

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1 should consider that, really promoting how we can
2 work with some of our allies for shipbuilding and
3 would like to extend some of their shipbuilding for
4 chemical industry vis a vis China, but I think they
5 would need certain targeted parameters, perhaps
6 subsidies, capacity investments to port fees. So
7 specifically, to get the loophole, we would recommend
8 if that's what we're trying to build. We do -- as I
9 mentioned before, really encouraging U.S.
10 shipbuilding. If we want to build ships, we're going
11 to have to start thinking, again, in some of this
12 shipbuilding, working with some of our allies,
13 non-Chinese allies specifically, on how we might do
14 that here in the United States.

15 MR. NAGLE: And from our business, we've
16 already committed to a number of new ships coming out
17 of Korea to broaden our portfolio of ships. I think
18 the other thing that we need to certainly look at, as
19 I alluded to some earlier comments, is ultimately
20 building skills and the capability here in the U.S.
21 to have the labor force, from a technical standpoint,
22 a trade standpoint, an engineering standpoint to be
23 able to build these complicated vessels.

24 I invite anybody that wants to come and
25 see one of these ships when they come into the Port

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1 of Philadelphia or come into the Port of Houston,
2 you're welcome to contact me and we're happy to take
3 you around these fascinating vessels. They're quite
4 feats of engineering.

5 But we need to build those skills and trade
6 capabilities here in the U.S. to ultimately be able
7 to construct these facilities at the shipyards that
8 we do have around the U.S., and we're certainly
9 supportive of helping to make that happen.

10 MR. SALKELD: If anyone else wants to
11 comment, you can say so.

12 MR. BUTLER: Okay. Thank you. Thank you
13 to this panel.

14 This is our final panel, so I want to
15 thank all of the witnesses that have participated in
16 these hearings. Reminder that post-hearing comments
17 are due April 2nd.

18 And with that, we're adjourned.

19 (Whereupon, at 5:10 p.m., the hearing
20 concluded.)

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