DATE: 4/18/2023

RE: House Ways & Means Trade Subcommittee Hearing on “Countering China’s Trade and Investment Agenda: Opportunities for American Leadership”

Topline Summary:

- Members of the House Ways & Means Trade Subcommittee met to discuss the current state of the United States’ trade relationship with China and ways that the US can counter China’s aggressive trade agenda.
- There was a wide variety of discussion on the various topics, including the importance of free trade agreements globally, the benefits and drawbacks of the Biden administration’s current trade agenda, how to increase US competitiveness overall in the Indo-Pacific, and whether China should continue to enjoy permanent normal trade relations status (PNTR).


Meeting called to order by Chairman Smith

Opening Statements

Chairman Adrian Smith: Good afternoon. The Subcommittee will come to order. Ranking Member Blumenauer and Subcommittee Members—I look forward to working with you this Congress.

I’d like to also thank our witnesses for joining us today on such an important topic.

Today’s hearing examines why the United States must lead on trade, especially in the face of China’s aggressive trade and investment agenda. Concerns about the Chinese Communist Party’s global influence and predatory trade practices are not only shared by every member of this Committee; these concerns are bipartisan and bicameral. We’ve seen firsthand how China seeks to weaponize trade to expand its influence and undercut U.S. workers and values. These actions should create a mandate for the United States of America to lead on trade issues, but unfortunately such a mandate has seemingly gone unnoticed by the Administration.
Across the board, China seeks to dominate global trade and supply chains. They are using all tools at their disposal to advance their ‘Made in China 2025’ initiative. Today, we will hear why the United States must lead from a position of strength. We can do this by addressing the CCP’s practices directly while simultaneously using trade programs, agreements, and other tools to show we are a reliable and attractive alternative for nations around the world.

The CCP seeks to erode America’s competitive edge through intellectual property theft, discrimination against American exporters and investors, and a wide range of advantages provided to state-owned enterprises within China. They have made no secret of their desire to replace the United States as the dominant global power. We cannot and will not allow this to happen.

China continues to grow its global ambitions. Take for example the Belt and Road Initiative, which has become a tool for the CCP to trap partners in developing countries into endless cycles of debt and control. This is happening in every region of the world, from the Indo-Pacific to our own backyard, right here in the Western Hemisphere.

No country is immune to this aggressive behavior. Partners like Australia, South Korea, and Lithuania have experienced this firsthand. While we can be encouraged these instances of attempted economic coercion backfired, Beijing continues its brazen attempts to bully nations into submission.

In my view, there’s no treading water on trade matters. You’re either moving ahead or you are losing ground, and right now we are losing ground while China forges ahead with a trade agenda that cheats to shape the global playing field in its favor. Our trading partners around the world are hoping the United States will stand up and provide a unified, bipartisan American trade agenda to hold the CCP and other bad actors accountable. We can do this while partnering in a deeper and more consequential way with our allies. The role of Congress cannot be ignored in this effort, which is why Congress must use its constitutionally given authority to set deliverables and provide critical oversight of all trade matters.

Crafting a Trade Promotion Authority bill to put Congress in the driver’s seat, reauthorizing critical trade programs aimed at increasing American competitiveness, and continuing efforts to add consequences for China’s trade practices are all things we can and should pursue right now.

Our trade policy is at its strongest—its most durable, effective, sustainable, and inclusive—when elected representatives are driving and shaping it. We saw this firsthand as this Committee reinvigorated our North American trade relationships through the United States-Mexico-Canada Agreement. We need to build on and replicate this important work, and I’m confident this Committee can do so. I am excited to get to work.

**Ranking Member Earl Blumenauer:** Today’s hearing comes at an important juncture in our trade relationship with China. I welcome today’s hearing. We held similar hearings last Congress to highlight the Chinese government’s state-led, non-market, anti-competitive approach that threatens American workers and businesses. Mr. Chairman, I hope we can all agree that it is time to move from rhetoric to action.

House Democrats led efforts to pass forceful legislation in the America COMPETES Act that helps workers and firms who have been displaced by offshoring to China. It incorporated many of the concepts and values that enjoyed broad, bipartisan support in the United States-Mexico-Canada Agreement.
It closes the *de minimis* loophole, strengthens our trade remedy laws, creates an outbound screen for Chinese investments, and it updates the Miscellaneous Tariff Bill to exclude finished goods – more than half of which come from China and undercut American manufacturers. This legislation is meant to level the playing field so that American workers and businesses are no longer disadvantaged by China’s double standard.

Last year, my Republican colleagues largely did not support these legislative efforts despite acknowledgment of the direct challenges China poses to American competitiveness. I hope we can work together to match rhetoric with legislative action. We can no longer wait to act.

USTR’s report to Congress on China’s WTO compliance makes clear that China’s record is poor. After more than 20 years of WTO membership, China still embraces a non-market approach despite China’s own representations that it would pursue open, market-oriented policies. If anything, China has doubled down on its anti-competitive, trade distorting practices. Today, China is the world’s leading offender in creating nonmarket capacity, as evidenced by the severe and persistent excess capacity in several industries, including steel and aluminum. And China’s production methods are some of the dirtiest in the world.

This resulting over-production and dirty manufacturing has distorted global markets and contributed to massive increases in carbon pollution, harming U.S. workers and manufacturers in both the United States and third countries, where U.S. exports of steel products compete with exports from China. As we’ll hear from one of our witnesses today, Roy Houseman with the United Steel Workers, my friend Terri Sewell has introduced legislation to address these unfair trade practices.

China also continues to exploit loopholes in our customs laws. Some Chinese company have developed a business model centered on exploiting the *de minimis* provision to evade oversight at the border and avoid paying duties, which undercuts U.S. companies playing by the rules. Because of this loophole, there is no way to tell how many of the more than two million packages per day contain products made through forced labor, intellectual property theft, or are otherwise dangerous.

The Chinese textile industry benefits from the deplorable treatment and forced labor of Uyghurs and other minorities in the Xinjiang region of China. Lack of oversight at U.S. borders makes it even more difficult for CBP to intercept these shipments. As noted by Mr. Houseman in his testimony, the *de minimis* loophole can allow evasion of the Uyghur Forced Labor Prevention Act. Closing the *de minimis* loophole and addressing forced labor are important to me. The fruits of modern-day slavery have no place in the U.S. market.

This subcommittee must send a clear message to China that the United States will unequivocally protect worker and human rights. And we must continue to encourage our allies to boldly respond to China’s unfair trade practices, both bilaterally and multilaterally. I stand ready to work with my Republican colleagues on China-related legislation and turn our rhetoric into action. I look forward to hearing from our witnesses on these issues as we consider ways to more effectively address China’s unfair trading practices.

With that, I’ll conclude my opening remarks. Let me now yield to my friend, Chairman Smith.
Full Committee Chairman Jason Smith: Thank you, Chairman Smith and Ranking Member Blumenauer.

Today’s Subcommittee hearing comes at a time when Americans are increasingly concerned about the Chinese Communist Party and its harmful influence around the world, and especially, here at home.

Republicans and Democrats often talk about our differences, but today we are here to share a common message: the folks who fuel, feed, and build our country have become collateral damage in China’s aggressive trade agenda. It is time we stood up for them. It is time to combat China’s human rights abuses, predatory trade practices, espionage, and theft that, for too long, have threatened our supply chains and cheated American farmers, manufacturers, families, and workers.

As we sit here, the Chinese Communist Party is unleashing a wide range of aggressive tactics in its attempt to dominate critical supply chains, including massive industrial subsidies, forced technology transfers, and intellectual property theft.

The CCP is spreading its harmful influence across the globe. I saw this firsthand in South America during my first international trip as Ways and Means Chairman. China is increasingly active, including in our own backyard, and a bipartisan response is needed.

I am concerned that the White House’s decision to exclude Congress from trade only emboldens China and ignores the voices of the American people. Frameworks and dialogues are no substitute for congressionally binding action on trade.

We ought to put workers and farmers at the center of American trade policy. Americans are still owed clarity and answers from the White House about China’s compliance with Phase One obligations and plans to hold it accountable. We should build on USMCA’s progress through strong enforcement, including standing with Americans who are harmed when our trade partners do not live up to their end of the deal. We should be developing a plan to use our authority over trade, and to use our leverage as a nation to strengthen critical supply chains and reduce dependence on adversarial nations like China and Russia. This is a bipartisan effort, and I am hopeful we can make headway today.

I yield back my time. Thank you.

Witness Testimony

Thomas Duesterberg, Senior Fellow, Hudson Institute
Testimony Unavailable

Matthew P. Goodman, Senior Vice President for Economics, Center for Strategic & International Studies
Testimony Unavailable

Roy Houseman, Legislative Director, United Steelworkers
Testimony Unavailable

Mark McHargue, President, Nebraska Farm Bureau
Testimony Unavailable
Chairman Adrian Smith (R-NE) talked with Mr. McHargue about the agricultural industry in Nebraska and the need to increase market access in the Indo-Pacific and asked what markets in the region have the best opportunities for growth as export markets. He responded that there is tremendous opportunity in the region and there needs to be full trade agreements in place in order to take full advantage. He talked about the influence that China has in the Indo-Pacific and how decoupling from China would not benefit the domestic ag sector, particularly for raw commodities. Chairman Smith talked about the challenges posed by Chinese IP theft and forced technology transfer policies, as well as their goals to dominate global medical supply chains. He discussed how the TRIPS waiver undermines US policy objectives in those spaces and asked how it impacts US credibility. Mr. Greer responded that China’s ambition in this space is to take over the global economy and said that a waiver would be, in his mind, the opposite of enforcement. Chairman Smith asked Mr. Duesterberg about China’s ambitions in Africa and to dominate critical mineral supply chains and to discuss how trade tools can support efforts to counter those efforts. He responded that African Growth and Opportunity Act (AGOA) bill could be used somewhat for lowering tariffs on imported products, though the fundamental problem is that China has come to control basic mineral production on the continent. Chairman Smith asked what his recommendation moving forward would be. He responded that his recommendation would be to use US AID in conjunction with partners in likeminded countries to encourage and help finance US and allied investments in basic production in Africa. He said that the fundamental need is for companies to be able to compete in raw mineral production.

Ranking Member Earl Blumenauer (D-OR) talked about his interests in more aggressive enforcement mechanisms and the need to hold them to account for unfair and deceptive trade practices. He talked about legislation he has put together on the de minimis loophole to prevent China from importing packages that escape any meaningful detention. He asked Mr. Houseman to elaborate, from his perspective, about the extent to which it would be important to close that loophole. He responded that the idea of an $800 de minimis allows for significant amounts of direct-to-consumer shipments of goods and noted that China’s de minimis threshold is $10. He talked about how Chinese clothing manufacturer Shien takes advantage of this threshold and escapes significant amounts of scrutiny, leaving open the potential that those products could be manufactured using forced labor or materials from Xinjiang. Ranking Member Blumenauer asked him to discuss the global arrangement for steel and aluminum and how to deal more meaningfully with the overproduction of those materials that the Chinese have generated. He responded that global steelmaking capacity has increased for the forth year in a row while utilization has shrunk, meaning that US plants are not operating as efficiently as possible and, in large part, that is due to China’s fueling of the global steel industry. He suggested that there should be some coordination with allies to help push back on non-market and carbon intensive processes to allow companies that play by international rules and standards to have greater market shares.

Rep. Vern Buchanan (R-FL) talked about how he preferred the Trump administration’s activeness on trade policy and asked Mr. Greer his thoughts on the difference between the two administrations. He responded that the US is in a position where the administration has embraced some aspects of Trump
administration policy, including Section 301 tariffs and applauded moves to increase export controls. He noted that there are a variety of stakeholders that need to be balanced and they all need to be weighed, especially in how it relates to China. Rep. Buchannan talked about reports that China steals between $300 billion and $600 billion worth of intellectual property annually and asked what can be done to stop it. He responded that a Phase I agreement is in place where the Chinese have said that they would stop doing these things, though he noted that they have not, though there are a number of response mechanisms available through that agreement. He also discussed the need for a requirement or confidential reporting to help ensure that companies are reporting IP theft. Rep. Buchannan asked Mr. Goodman what else can be done to level the playing field and help to address the current trade deficit with China. He responded that there is a lot of work to do to make the Chinese market more open and rules based. He noted that there is also a need to reduce the excessive dependence on China while continuing to have fair and balanced trade.

Rep. Darin LaHood (R-IL) talked about the need to hold China accountable for its trade practices and the importance of substantive trade polices in the Indo-Pacific. He asked Mr. Duesterberg if it was a mistake to allow China to join the WTO. He responded that he had argued letting them join the first place and suggested implementing a system of annual renewal for China’s most favored nation (MFN) trade status and considering alternative trade structures that exclude China. Rep. LaHood expressed his concerns over the Indo-Pacific Economic Framework (IPEF) and asked Mr. Goodman how he would assess IPEF as a counter to CPTPP. He responded that he agrees with its flaws, noting the lack of enforcement mechanisms, and said that more agreements should be pursued that have those sorts of enforcement capabilities, such as CPTPP. Rep. LaHood asked Mr. Greer if it was a mistake to allow China into the WTO, he responded that it was and there is now data to back it up.

Rep. Brian Higgins (D-NY) talked about the importance of electrification to the world economy and how China has put itself in a position to be a key player in that space all over the world. He talked about the dominance China currently has in critical mineral extraction and battery production and asked Mr. Duesterberg his thoughts. He responded that there are natural resources available in the US and allies but the mistake that has been made is allowing the subsidized Chinese industry to spread across the industry. He recommended better exploiting the resources that the US and allies have. Rep. Higgins talked about the need for America to be more aggressive in this competition.

Rep. Jodey Arrington (R-TX) asked Mr. Goodman if China is one of the worst human rights violators in the world. He responded that they are. Rep. Arrington asked if China steals US IP, he responded that they do. Rep. Arrington asked if they spy on Americans, he responded that they do. He asked if they align with other malign actors, he responded that they do. He asked if he thinks that China is the greatest adversarial threat facing the US today, he responded that it is the US’ greatest competitor and, in some says, that could become adversarial. He asked if they are a partner, he responded that are not right now but there is some dependency on their markets and communication with them is essential. Rep. Arrington talked about how one of the greatest challenges is going to be for the US to need China less until it changes its behavior. He talked about the success of the USMCA and the need to extend that idea to the Indo-Pacific, noting that the missing piece seems to be the current administration. He asked Mr. Greer what the psychology of negotiating with China and how can they use that to forge forward with future agreements. He responded that they found that they respect strong action and harsh rhetoric less so.
**Rep. Ron Estes (R-KS)** began by discussing the importance of increasing the United States’ global share of research and development. He noted that the U.S. share was 30% in 2019 which was a drop from 2009 when it was 33% while China’s share increased from 5% to 24% over the course of 15 years. Rep. Estes argued that the right incentives must be in place to increase American competitiveness. He highlighted new legislation introduced by Republicans, the American Innovation and R&D Act which he added would seek to fix the R&D tax code by providing immediate expensing of R&D costs. Rep. Estes then asked if there is a coalition between the location of R&D and jobs and manufacturing. Mr. Duesterberg agreed with Rep. Estes sentiment and urged the committee not to overestimate the efficiency of Chinese R&D, noting his belief that the U.S. is much better. He added that the U.S. should continue its support of basic R&D which he noted has paid rich dividends in the past. Rep. Estes then noted Chinese efforts to steal American IP and asked Mr. Greer what his stance on waiver is in regard to IP. Mr. Greer explained that, in relation to the waivers, that there are other tools at the United States disposal that could prove more beneficial.

**Rep. Jimmy Panetta (D-CA)** began by discussing China’s use of economic coercion to influence it’s trade partners, noting that it particularly works among it’s smaller partners. He then asked how this coercion can backfire on China, how the U.S. can take advantage of those pitfalls, and how the U.S. can help bolster our allies. Mr. Goodman noted that China will often attempt to achieve short-term gains without as much regard for long-term goals. He added that this coercion has alienated some of their trade partners like South Korea, Australia, and others which have led to trade agreements involving the U.S. He stated that the United States should help partners build greater resilience and demonstrate that we are a trusted trade partner. Rep. Panetta then expressed concern with China’s lack of meaningful action on agricultural safety measures and methods. He asked why 301 tariffs are still in place and why they haven’t been successful in changing China’s practices. Mr. Greer stated that U.S. imports from China which are subject to 301 tariffs have decreased, noting that this is the direction we ideally want to head in. Mr. Greer argued that revoking PMTR could spur some retaliation, but American farmers and agricultural workers need to be protected. Rep. Panetta then asked Mr. Goodman for his opinion on revoking PMTR. Mr. Goodman suggested that any action on this front should be targeted and specified, arguing that a broad revoking could be costly for the U.S. Rep. Panetta asked how the U.S. can diversify its export markets.

**Rep. Carol Miller (R-WV)** talked about the trade challenges that the United States faces in Latin America and how China’s increasing influence in the region. She talked about the lack of an enforceable trade agreement in the Indo-Pacific and asked Mr. Goodman if IPEF goes far enough to help the US compete with China regionally. He responded that it has some promise and, if the discussions can lead to more formal trade agreements, he is all for it, though it is inadequate by itself. Rep. Miller asked Mr. Greer what can be done to make apparel supply chains more competitive in the western hemisphere while supporting more job growth in the region. He responded that there is a series of strong FTAs in the region and those can be updated to be helpful. Rep. Miller talked about a video showing JA Solar official bragging to potential American investors that the company is essentially port shopping to avoid the enforcement of the Uyghur Forced Labor Prevention Act. She talked about how West Virginia has a CPB training center and asked if CPB currently has the capabilities to enforce the law. He responded that they are moving forward on the issue and discussed how companies are working to increase their compliance. He noted that CPB could probably use additional funding to increase enforcement and it would probably be good for trade more broadly.
Rep. Lloyd Smucker (R-PA) asked Mr. Greer about his advocacy for revoking PNTR completely and asked him to explain that more. He responded that it is hard to imagine a world where the US is completely decoupled from China and said it would be beneficial for China to not have certainty at all times and could help to encourage them to improve their behavior. Rep. Smucker asked if he has evaluated the potential domestic impact on revoking PNTR for China. He responded that moving to a yearly renewal process would have no impact on the actual trade relationship between the US and China but would increase US leverage in the relationship by threatening US market access. Rep. Smucker asked Mr. Duesterberg if he believes that it is a mistake by the Biden administration not to use the trade tools at its disposal and what message does that send. He responded that the adoption of targeted industrial policy has had a few impacts, including creating a somewhat competitive industrial policy with Europe, and noted that in some respects the US is doing what it has been encouraging China not to do.

Rep. Don Beyer (D-VA) argued that withdrawing from the TPP was a critical mistake and has allowed China to dominate the region. Rep. Beyer asked how China can exploit the CPTPP. Mr. Goodman agreed that it was a mistake to pull out of TPP and it would be an even bigger mistake to not be involved in the CPTPP as it would allow China to dictate the direction of the group. Rep. Beyer then discussed the lack of U.S. production of critical minerals and noted that the U.S. will continue to fall behind China if this isn’t improved. He then asked if there are concerns about the relative weakness in terms of environmental and labor protections. The panel noted that, for USW, the methods for mining and processing critical minerals are key and China’s practices have shown to be horrible for the environment and workers. Mr. Houseman asked if these are conditions the U.S. should be okay with when developing trade agreements. He added that American workers end up being impacted most by these conditions under trade agreements, arguing that there needs to be greater investment.

Rep. Greg Murphy (R-NC) began by listing a number of harmful trade practices committed by China and added that American farmers and manufacturers are the ones being most impacted. Rep. Murphy discussed China and their trade partners evasion of enforcement measures. He then touched on solar products and highlighted President Biden’s emergency importation of unfairly traded solar products. Rep. Murphy noted his bipartisan resolution of disapproval over this move and reiterated that these products circumvent U.S. trade laws. Rep. Murphy asked why the U.S. would embolden China in this way. Mr. Greer agreed that it doesn’t make sense and emphasized the need to ensure that domestic producers can count on trade relief when it comes. Rep. Murphy next discussed China’s low level of domestic consumption, noting that it has largely depended on the U.S. as an export market. Rep. Murphy asked if the United States is funding China’s economic and military growth. Mr. Greer answered that there is no question that the United States is funding China. Mr. Greer noted that the U.S. could help control this relationship if we change our approach.

Rep. Greg Steube (R-FL) talked about the need for a worker focused trade policy, not corporate price centered one, and encouraged the increased use of tariffs to stop unfair trade. He broadly discussed the current state of the trade relationship between the US and China and encouraged limiting Chinese investment in the US, regulation of outward investment, and the imposition of tariffs on all Chinese products until balanced trade is achieved. He asked Mr. Greer to discuss or expand upon any of the points he had made. He responded that the policy prescriptions should be considered and noted that the trade relationship that is pursued should reflect how we view the threat coming from China.
Rep. Linda Sanchez (D-CA) talked about efforts by House Democrats to strengthen trade policy through a variety of mechanisms that were not supported by Republicans. She asked Mr. Houseman to elaborate on why it is critical to level the playing field for American workers and industries regarding the environmental and labor practices of other countries. He responded that higher US standards should be accounted for in trade relationships and noted that those differences can be accounted for. Rep. Sanchez asked Mr. Goodman if he believes that revoking PNTR is a good idea and the potential alternatives that could be available. He responded that it is a very complicated issue and talked about how targeted controls, such as the ones recently placed on semiconductors, are appropriate.

Rep. Michelle Fischbach (R-MN) discussed agriculture exports from Minnesota and asked Mr. McHargue to explain the optimal balance between expanding the Chinese market access and diversifying ag export opportunities through additional trade agreements. Mr. McHargue stated that it’s important to continue establishing new markets and additionally noted the United States success at achieving low-carbon footprint agriculture as well. He added that it is important to do business with people that need U.S. products, including China, which could help provide leverage to the United States. Rep. Fischbach asked what the Biden Administrations apparent lack of negotiations mean at the farm level. Mr. McHargue reiterated that the U.S. does a great job at producing ag products and every day the Administration is not working to expand trade opportunities is a day that U.S. agriculture does not grow. Rep. Fischbach ended by asking how to appropriately balance these factors with some other national security concerns. Mr. Duesterberg explained the advancements that China has made have largely been at the expense of U.S. producers. He added that their ability to access American technology and know how has been through the United States educational system but noted that he did not know the solution of this. He emphasized the importance of finding ways to address American investments and stop their ability to be in programs related to military technologies.

Rep. David Kustoff (R-TN) referenced a study that concluded that Chinese intellectual property theft has cost the country from $225 billion to $600 billion a year. He said that Tennessee is home to one of the last manufacturers of charcoal barbeque grills in the U.S, the Meco Corporation. He said that the factory now employs hundreds of fewer workers due to Chinese IP theft to capture most of the domestic charcoal grill market. He asked what tools Mr. Greer would propose the U.S. Trade Representative to punish or pushback the Chinese. Mr. Greer said that he would recommend that Meco look into Section 337 of the Trade Act; this would grant the right to ban the import of items under an exclusion order. He also mentioned that in USTR under the Phase I dispute settlement arrangement, there are supposed to be meetings to identify and resolve issues. Rep. Kustoff asked if there would be any retribution or relief if Meco followed his suggestions. Mr. Greer said that with Section 337, if the case is successful, there is an exclusion order granted. In regard to the Phase I agreement enforcement, the Chinese would have to facilitate a solution. Rep. Kustoff asked if the same course of action would apply to any other company facing a similar situation. Mr. Greer said that it would.

Rep. Terri Sewell (D-AL) said that the IIJA was a major step so that America can compete with China for decades to come. She also talked about the benefits of the America COMPETES Act and how she will be reintroducing the Leveling the Playing Field Act 2.0 to pushback China’s Belt and Road Initiative. Rep. Sewell also said that she will be joining Rep. Bost to introduce the bipartisan Fighting Trade Cheaters Act. Rep. Sewell asked Roy Houseman to expand on how the steelworkers have been impacted by some of the loopholes in the Anti-Dumping and Countervailing Duties laws and asked about how the
Leveling the Playing Field Act 2.0 would be helpful to steelworkers. Mr. Houseman said that the United Steelworkers were supportive of the Act in the 117th Congress and that he was pretty sure that they would endorse it again in the current Congress. Mr. Houseman talked about how they represent tire manufacturers and said that they have had to do 5 Anti-Dumping and Countervailing Duties. Regarding the Fighting Trade Cheaters Act, Mr. Houseman said that increased penalties for bad actors is a good idea. He also mentioned three IIPA investigations concerning a Chinese company operating in the Dominican Republic; Mr. Morehouse said that they should be able to level meaningful penalties towards repeat offenders.

*Chairman Smith brought the hearing to a close.*