

Statement of Michael N. Nemelka

Nomination Hearing for Deputy United States Trade Representative

Before the United States Finance Committee

July 21, 2020

Chairman Grassley, Ranking Member Wyden, and Members of the Committee, let me start by thanking you for holding this hearing today. I'd also like to thank your staff for their professionalism, expertise, and courtesy throughout this nomination process.

Thank you Chairman Grassley for that introduction and for your support. It is an especial honor to appear before you today. I clerked for Judge Paul V. Niemeyer on the United States Court of Appeals for the Fourth Circuit in 2006, which is when you were Chairman of this Committee the first time around. Judge Niemeyer gave each of his young law clerks a word of advice at the start of our clerkship. He said, "I want you to treat taxpayer dollars as if you had to show every receipt to Senator Grassley." I've always remembered that, and I never imagined I would have the privilege of testifying before you some day – although, if you ask, I don't have those receipts anymore from all those years ago. But you should know that your spirit of responsibility has filtered down into the federal judiciary, and I think Judge Niemeyer still gives that same advice today. I know I will certainly continue to follow it, if I have the honor of being confirmed to this position.

I would like to recognize the members of my family who are here with me today, and those who are watching from home. I'm grateful to my wife Melanie for supporting my desire to serve in government, and for her love and friendship. We've been blessed with four wonderful children – two daughters, Emma and Ava, who are with us today, and two teenaged sons, Benjamin and William, who are either sleeping or watching from home. I've also been blessed with the best of parents, siblings, and in-laws, and would like to thank them for their love and support.

I am deeply honored to have been recommended by Ambassador Lighthizer and nominated by President Trump to serve as the Deputy United States Trade Representative for Africa, China, and the Western Hemisphere, and for Investment, Services, Textiles, Labor, and Environment. I have had the privilege of serving at USTR for the past five months as an advisor and counselor to Ambassador Lighthizer. Based on my experience, I know firsthand how tirelessly he works day in and day out advocating for the interests of the United States. The dignity of the American worker is at the forefront of everything he does. We are all very fortunate to have him as our United States Trade Representative.

As I've seen, one of the main reasons Ambassador Lighthizer has had so much success is because of his close partnership with you. One of my primary goals, if I am confirmed, is to ensure that I contribute to that constructive relationship with this Committee and others in Congress.

If confirmed, I would have the opportunity to help build on the successes that USTR has already achieved. In the Western Hemisphere, we have the new United States-Mexico-Canada Agreement that just entered into force on July 1st. As Ambassador Lighthizer has said, that landmark agreement is the gold-standard against which all other trade agreements will be judged. It earned 89 votes in the Senate, a remarkable feat, and was supported by labor unions, businesses, farmers, and ranchers alike. The job now is to enforce it, including through the Brown-Wyden rapid response mechanism, the groundbreaking enforcement tool for resolving certain labor violations. You have my commitment, if I am confirmed, to ensure that we receive every benefit of the bargain through smart and effective enforcement.

For China, we have the Phase I Agreement, which also just entered into force a few months ago. In that remarkable agreement, USTR achieved many long-held goals, including a commitment from China to fully respect intellectual property rights, end forced technology transfer, and increase purchases of US goods and products, among many other things. We must ensure that China lives up to its commitments. And we have an agreement that is in writing, and is fully enforceable, to make sure they do.

In Africa, USTR just launched negotiations on a free trade agreement with Kenya, which would be the first such agreement between the United States and a Sub-Saharan African country. As Ambassador Lighthizer has said, the goal is to conclude an agreement that is comprehensive and high-standard, while also being one that works for Kenya and can serve as a model for additional agreements across Africa.

If confirmed, I also look forward to seizing the opportunities we have on investment, services, and textiles, and building on the USMCA's model labor and environmental chapters.

In short, it is a very exciting time to be at USTR, and I would be very grateful for the opportunity to serve my country in this position should I be confirmed.

Members of the Committee, I thank you again for this opportunity and I look forward to your questions.